

ORDINANCE NO. 2004-5
TOWN OF EDGEWOOD

AN ORDINANCE REGULATING SIGNS; REQUIRING PERMITS; SETTING FORTH DEFINITIONS; GENERAL REGULATIONS; EXEMPTIONS; DESCRIBING PROHIBITED SIGNS; REGULATING COMMERCIAL HANDBILLS AND PROVIDING A PENALTY FOR VIOLATION

SECTION 1. PURPOSE AND INTENT

A. PURPOSE:

The Town Council finds that the natural surroundings, climate, history, and people of the Town of Edgewood combine to provide the Edgewood community with unique charm and beauty. This Ordinance has been adopted to assure that signs installed in the Town of Edgewood are compatible with the unique character and environment of the community. The purpose of this Ordinance is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. It is further determined that the provisions of this Ordinance cannot achieve the result desired unless the community voluntarily cooperates in upholding these provisions.

With these concepts in mind, this Ordinance is adopted for the following purposes:

1. To preserve and protect the public health, safety and welfare of the citizens of the Town of Edgewood.
2. To promote and accomplish the goals, policies and objectives of the *Edgewood Comprehensive Plan*.
3. To balance public and private objectives by allowing adequate signage for business identification.
4. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, and/or illegible signage.
5. To prevent property damage and personal injury from signs, which are improperly constructed or poorly maintained.
6. To promote the use of signs that are aesthetically pleasing, have appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.
7. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the Town of Edgewood.
8. To provide sign design standards that are consistent with the Edgewood Lighting Regulations, and other applicable provisions of the Edgewood Municipal codes.

B. INTENT:

It is the intent of this Ordinance to:

1. Provide functional flexibility, encourage variety, and create an incentive to relate signing to basic principles of good design.
2. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public structures and spaces, are protected by exercising reasonable controls over the character and design of sign structures.
3. Provide an improved visual environment for the citizens of, and visitors to, the Town of Edgewood, and to protect prominent viewsheds within the community.
4. Provide cost recovery measures supporting the administration and enforcement of The Town of Edgewood, SIGN ORDINANCE.

SECTION 2. APPLICABILITY

A. APPLICABILITY AND SCOPE.

This Ordinance applies to all signs, of whatever nature and wherever located, within the Town of Edgewood. All signs not specifically permitted or excepted by this Ordinance are prohibited.

B. EXCEPTIONS.

The provisions of this Ordinance do not apply to the following, which are therefore excepted from these provisions:

1. Governmental, hospital signs and legal notices.
2. Traffic signs on private property, such as Stop, Yield and similar signs, which meet Department of Transportation standards and contain no commercial message.
3. One directional sign per legal driveway; not to exceed 4 square feet.
4. Temporary signage erected as part of a Town-recognized event.
5. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
6. Signs displayed within the interior of a building which are not visible from the exterior of the building.
7. Flags, provided no more than three (3) flags are displayed per development site, and are mounted on a single flag pole, or three (3) separate flag poles installed either on the building, or adjacent to the building/use to which they are appurtenant.
8. Neighborhood Identification Signs, address numbers, provided that they only neighborhood name and/or address.
9. Political or Campaign Signs. In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:
 - a. Said signs for all candidates or other referenda, regardless of participation in a primary election, shall be removed by the Monday following the primary election and/or general election. Signs relating to elections on special issues may be installed and must be removed on the same basis.
 - b. Political signs placed in single-family residential zones shall not exceed eight (8) square feet each in area.
 - c. Political signs placed in commercial zones shall not exceed 64 square feet in aggregate area and, if freestanding, shall not exceed 8 feet in height. Such sign shall not be erected in a manner as to constitute a roof sign.
 - d. No political signs shall be erected upon any private property without the permission of the resident or owner thereof, and in cases where there is no occupied structure on the property, no political sign shall be placed thereon without the written consent of the owner of the property.
 - e. Signs may not be placed on public property, fastened upon any utility pole, street sign, lamppost, or in a public right-of-way or in any place that would impede traffic visibility or safety. Signs on roadways without curb and gutter may not be placed closer than 10 feet to the edge of the paved surface.
 - f. Campaign signs may not be placed closer than 150 feet to any building where an official voting station is located.

C. SIGN MESSAGE.

Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message, so long as said sign complies with the size, height, area and other requirements of this Ordinance and the Edgewood Municipal codes.

D. INTERPRETATIONS/DEFINITIONS.

1. SEVERABILITY:

- a. If any section, sentence, clause, phrase, word, portion, or provision of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Ordinance which can be given effect without the invalid provision.
- b. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Ordinance to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in said invalidation.

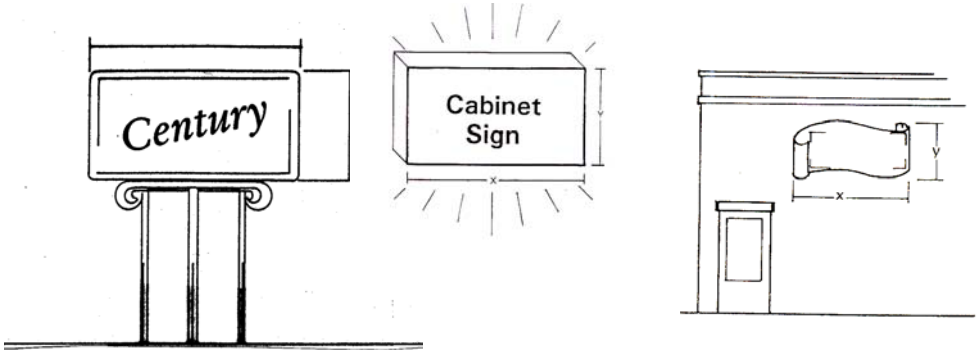
- 2. INTERPRETATION:** Where a particular type of sign is proposed in a sign permit application that is neither expressly allowed nor prohibited by this Ordinance, or where a sign is proposed on a structure that is not a "building" as per the definitions, the Planning Office shall have discretion to approve or disapprove the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited. Appeal from such interpretation may be made in accordance with Section 7, (Appeals) of this Ordinance.
- 3. DEFINITIONS:** Applicable word and phrase definitions used within this Chapter are included and can be found in Section 9 of this Ordinance.

SECTION 3. GENERAL PROVISIONS

A. SIGN MEASUREMENT CRITERIA.

Sign area for all sign types is measured as follows:

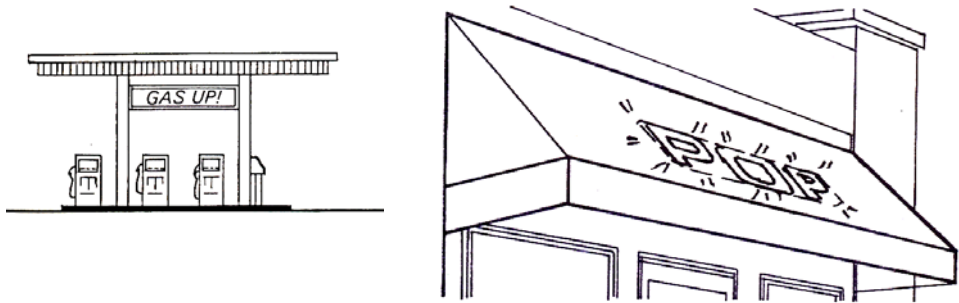
1. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.



2. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

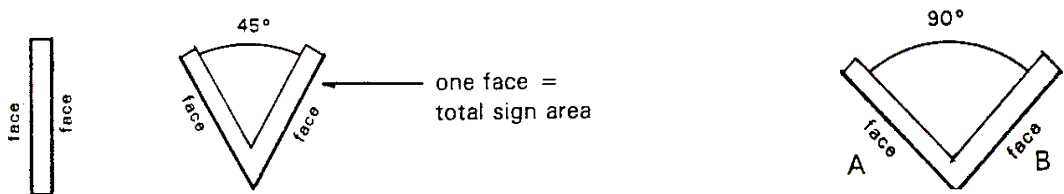


3. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs; spanner board signs; and/or interior lit awnings.

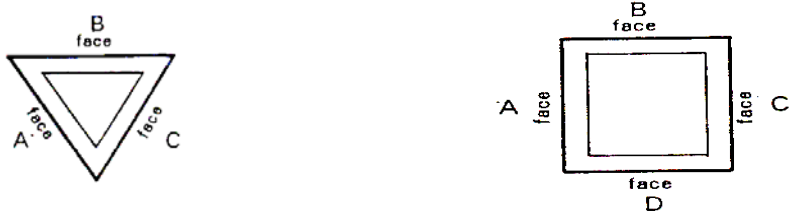


4. Multi-face signs are measured as follows:

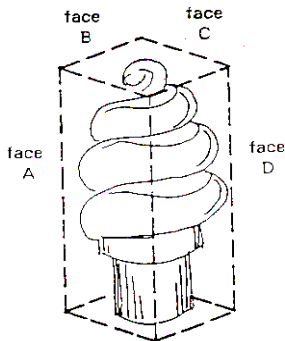
4.a. Two (2) face signs: If the interior angle between the two (2) sign faces is forty-five degrees (45°) or less, the sign area is of one (1) sign face only. If the angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area is the sum of the areas of the two (2) sign faces.



4.b. Three (3) or four (4) face signs: The sign area is fifty percent (50%) of the sum of the areas of all sign faces.



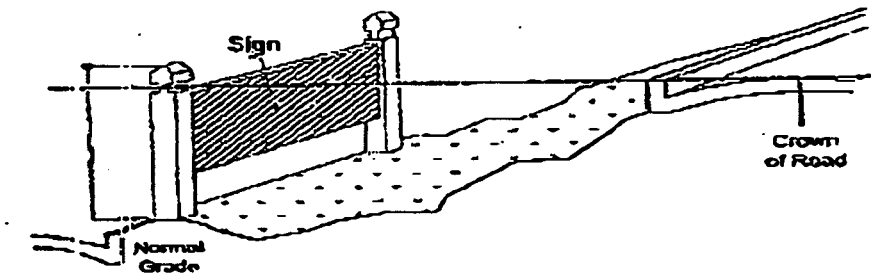
4.c. Spherical, free-form, sculptural, or other non-planar sign area is fifty percent (50%) of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.



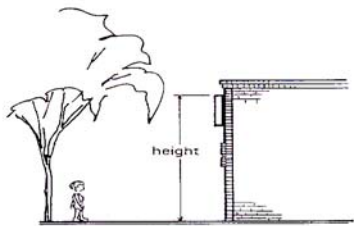
B. SIGN HEIGHT MEASUREMENT.

Sign height is measured as follows:

- a. **FREESTANDING SIGNS:** Sign height shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for locating the sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.



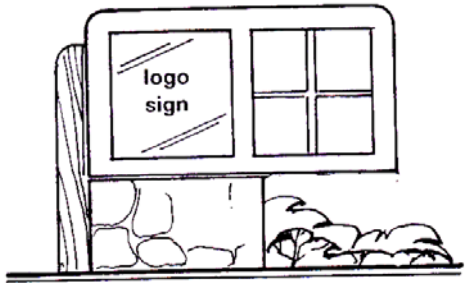
- b. **BUILDING MOUNTED SIGNS:** The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.



C. **SIGN ILLUMINATION.**

All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 P.M. or when the use or activity closes, whichever is later. Consistency with, the Zoning Ordinance lighting regulations, is required.

- a. **INTERNAL ILLUMINATION.** Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters and symbols, or with a colored background and lighter letters and symbols. Where white or other night bright colors are part of a logo, such colors are permitted in the logo only, provided such logo shall represent not more than fifty percent (50%) of the total sign area permitted. Colors considered "night bright", as used in this provision, are defined with reference to a sample color group from Gerber Scientific Products, HP Series 280/280i.



- b. **EXTERNAL INDIRECT ILLUMINATION.** Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

c. **NEON.**

- i. Exposed neon tube illumination is permitted on permanent signs in non-residential zoning districts only.

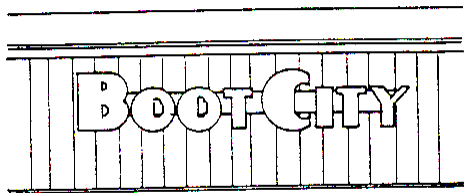


ii. Neon illumination utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or other features consistent with the definition of "Sign", shall not be included in the total square footage of the sign, provided the measured area of any such projection or detailed embellishment does not exceed twelve (12) square feet in area. Where such augmentations do exceed twelve (12) square feet in area, such features shall be included and counted against the permitted sign area for the use.



D. STRUCTURE AND INSTALLATION.

a. **RACEWAY CABINETS.** Raceway cabinets, where used as an element of building mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway provides a contrast background to sign copy, the colored area is counted in the aggregate sign area permitted for the site or occupancy. Raceways shall not be used on roof mounted signs, freestanding signs, or landscape wall signs.



b. **SUPPORT ELEMENTS.** The support elements for all signs shall appear to be free of any angle iron, bracing, guy wires or similar features.

c. **ELECTRICAL SERVICE.** When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.

d. **LIMITATION OF USES.** All permitted sign structures, and their required landscaped areas shall be kept free of supplemental attachments or secondary uses including but not limited to, supplemental advertising signs not part of a permitted sign, light fixtures, newspaper distribution racks, or trash containers, and the use of sign structures and associated landscaped areas as bicycle racks or support structures for outdoor product display is prohibited.

- e. **PERMANENT SIGNS.** All permanent signs permitted by this Ordinance shall be constructed of durable material capable of withstanding continuous exposure to the elements and conditions of the urban environment.

E. SIGN MAINTENANCE.

It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with the *Edgewood Municipal codes*. Failure to maintain signs and/or property constitutes a violation of the *Edgewood Municipal codes*.

- a. **MAINTENANCE.** Complete maintenance is required for all signs, whether or not in existence prior to adoption of this Ordinance. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this Ordinance.
- b. **LANDSCAPE MAINTENANCE.** Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.
- c. **REMOVAL OF UNUSED SIGN SUPPORT STRUCTURES.** Removal is required of any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for immediate reuse evidenced by a sign permit application for a permitted sign.
- d. **REMOVAL OF OBSOLETE SIGNS.** Signs which conform to the provisions of this Ordinance, but which reflect obsolete sign copy may remain in place, provided the sign copy is left unlit and/or blank, for a time period up to ninety (90) consecutive days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of ninety (90) days may be granted by the Planning Office, provided the copy has been left unlit and/or blank, and when the owner or person in control of the vacant property requests such extension.
- e. **REMOVAL OF UNSAFE SIGN STRUCTURES.** The Planning Administrator shall have the authority to order the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to safety, health, or public welfare. If such a condition is determined by the Planning Administrator to exist, the Administrator shall give notice thereof by certified mail, return receipt requested, to the sign owner at the address shown on the sign permit, unless more recent information is available. If, within thirty (30) days from service of notice, the order is not complied with, the Planning Administrator may cause the sign to be removed or repaired, and the cost of such removal or repair to be charged against the sign owner and/or the property owner.

F. NONCONFORMING SIGNS.

1. GENERAL:

- a. If at the time of the adoption of this Ordinance, or of any extension resulting from annexation, or of any amendment to the Edgewood Town Code, any sign which is being used in a manner or for a purpose which was otherwise lawful, but does not conform to the provisions of this Chapter, shall be deemed nonconforming.
- b. Any sign that becomes nonconforming subsequent to the effective date of this Ordinance, either through annexation to the Town, or amendment of this

Ordinance, or other provisions of the Municipal Codes so as to render a sign nonconforming, shall be subject to the provisions of this Ordinance.

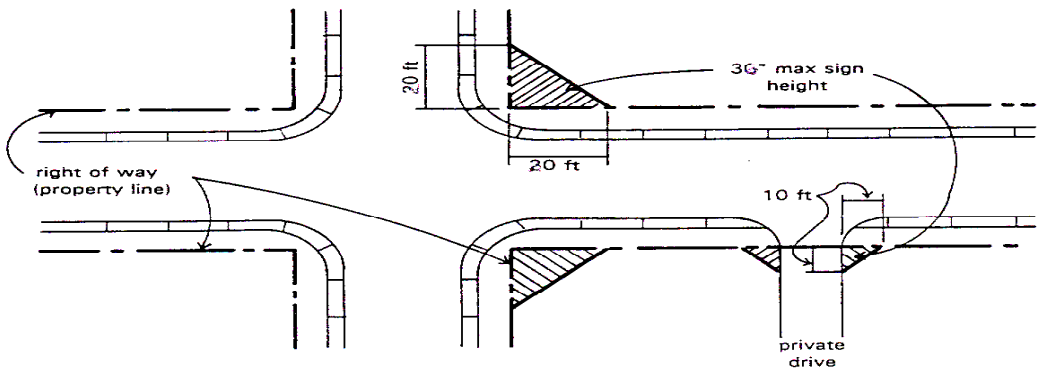
- 2. MAINTENANCE:** Nonconforming signs are required to be maintained in good condition in accordance with Section 4 of this Ordinance. Maintenance shall include replacing or repairing of worn or damaged parts of a sign in order to return it to its original state.
- 3. ALTERATIONS:** A nonconforming sign and/or sign structure shall not be altered, reconstructed, replaced, or relocated other than to be brought into compliance with this Ordinance, except for:
 - a.** Reasonable repair and maintenance required to restore the structure to its original state. (See #2 above)
 - b.** Change of copy on changeable copy panel(s), in accordance with Section 3, general provisions.
- 4. REMOVAL:** Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when:
 - a.** Any such sign or substantial part is blown down, destroyed, or for any reason or by any means is taken down, altered, and/or removed. For the purpose of this Chapter, "substantial" is defined as fifty percent (50%) or more of the entire sign structure; or
 - b.** The condition of the sign or sign structure has deteriorated, and/or the sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty (50) percent of the cost of reconstruction of the sign structure. The Planning Office shall determine the cost of restoration; or
 - c.** The use of the sign and/or the property on which the sign is located has ceased, become vacant or been unoccupied for a period of one hundred and eighty (180) consecutive days or more. In the event this should occur, such conditions will be considered as evidence of abandonment, requiring removal of such sign by the owner of the property, his/her agent, or person having the beneficial use of the property, building or structure upon which such sign or sign structure is erected within thirty (30) days after written notification from the Planning Administrator. If, within the thirty (30) day period, such sign(s) is (are) not removed, enforcement action will result in accordance with the Town of Edgewood Municipal codes.
 - d.** Any sign permit for any sign for a specific occupancy shall specify and require that any nonconforming sign associated with said specific occupancy shall be modified or removed to conform with the provisions of this Ordinance should the ownership of said occupancy change.
 - e.** Any sign permit for a freestanding sign within the boundaries of a multi-tenant building, development or shopping center shall specify and require that any nonconforming freestanding sign within the boundaries of said development shall be modified or removed to conform to the provisions of this Ordinance when the permit is issued.

- f. Any construction permit which invokes requirements in relation to:
 - i. Any building addition and/or an increase of use in terms of gross floor area, seating capacity, or other units of measurement indicating an intensification of use of twenty-five percent (25%) or more; and/or
 - ii. Any exterior structural remodeling of the building facade which affects signage, shall specify and require that any nonconforming sign or signs located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions of this Ordinance, provided that if the nonconforming sign is a type of sign that is prohibited under of this Ordinance, it shall be removed.

5. SEPARATION PROVISION. Nothing in this Section shall require a sign which is nonconforming solely due to not satisfying a separation standard (e.g., spacing between ground signs, separation from buildings, or residential areas), to eliminate that nonconformity if meeting that standard on the site is not possible. This provision shall not be construed to exempt such signs from the provisions requiring reduction of height and area nonconformities.

G. SIGN PLACEMENT AT INTERSECTION.

Signs proposed to be located within the triangular area on a corner lot formed by measuring twenty (20) feet along both street side property lines from their intersection, or ten (10) feet from the intersection of a property line adjacent and parallel to a public street and a private street or driveway, shall maintain a maximum thirty-six (36) inch top height.



SECTION 4. SIGNS PERMITTED

A. PURPOSE AND APPLICABILITY.

This section is intended to provide for the establishment of sign criteria related to sign size, height, and numbers of signs permitted for uses within the Town of Edgewood. Uses identified in this section are permitted sign size, height, and numbers of permanent signs. In addition, there are design principles and signage criteria listed in Section 4.F. applicable to monument style signage. STANDARDS FOR PERMITTED SIGN TYPES, which apply to all such signs.

B. SIGNS FOR RESIDENTIAL USES IN ALL ZONING DISTRICTS.

- 1. DETACHED SINGLE FAMILY DWELLINGS AND DUPLEXES.** Such uses are permitted one (1) permanent unlit wall mounted sign, six (6) square feet in area and six (6) feet in height on the building wall, or six (6) square feet in area and three (3) feet in height, if detached.
- 2. SINGLE-FAMILY PLANNED, AND MULTI-FAMILY DEVELOPMENTS, MANUFACTURED HOME PARKS, BED & BREAKFAST.** Except as permitted elsewhere, such uses are permitted one (1) low profile freestanding sign or landscape wall sign per development site frontage at a major vehicular entrance, twenty-four (24) square feet in area, and four (4) feet in height, designed in accordance with the standards for permitted sign types, Section 4.F.

3. MASTER PLANNED COMMUNITY. Permanent master planned community signs are permitted as follows. One (1) such sign is permitted for each major vehicular entrance to the development located on an arterial street. Such signs shall not exceed thirty-six (36) square feet in sign area, or eight (8) feet in height. Where the size and/or complexity of the master planned community requires multiple signs, a list of all proposed signs is required as part of a Comprehensive Sign Program in accordance with Section 6.F. of this Ordinance. Permanent master planned community signs are permitted to be installed after completion of public improvements required for such development. Other signs within a Master Planned Community are permitted as in the respective underlying zoning districts and/or as part of an approved Comprehensive Sign Program.

C. SIGNS FOR CONDITIONAL AND INSTITUTIONAL USES IN ALL RESIDENTIAL ZONING DISTRICTS.

1. APPLICABILITY. Conditional and institutional uses include but are not limited to churches and schools; other public or quasi-public buildings or facilities; museums; observatories; as well as offices, and fraternity or sorority houses.

2. PERMANENT SIGNS. Such uses are permitted:

- (1) Wall mounted sign up to twenty-four (24) square feet in area and six (6) feet in height on the building wall, and
- (1) Low-profile freestanding or landscape wall sign of thirty-two (32) square feet, four (4) feet in height per development site as indicated in Section 4.F., Permitted Sign Types.

D. SIGNS FOR NON-RESIDENTIAL USES IN ALL COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.

This area shall be defined on the Commercial Sign Overlay Map attached to and made a part of this ordinance.

ZONE 1. EDGEWOOD INTERSTATE COMMERCIAL OVERLAY DISTRICT.

This area shall be defined on the sign overlay map as a dark aqua area.

This zone shall be allowed two (2) freestanding signs:

- 1-58 foot tall pylon sign no greater than 120 square feet and.
- 1-36 foot tall freestanding sign no greater than 70 square feet, subject to the provisions as set forth in Section 4.E. Standards for Permitted Sign Types.

Building Mounted Signs: The area of building mounted signs including wall, fascia, mansard, parapet, awning, roof, service island canopy signs, and suspended signs, shall not exceed 80 square feet or 15 % of the area of the wall on which it is displayed, whichever is less.

In addition to the above, elevations which provide a non-customer service entry, are permitted a non-illuminated building mounted wall sign of no greater than six (6) square feet in area, located adjacent to such entry.

ZONE 2. EDGEWOOD INTERSECTION COMMERCIAL DISTRICT, This area shall be defined on the sign overlay map as a yellowish-brown zone.

This zone shall be allowed:

- 1-36 foot tall freestanding sign no greater than 70 square feet, subject to the provisions as set forth in Section 4.F. Standards for Permitted Sign Types.

Building Mounted Signs: The area of building mounted signs including wall, fascia, mansard, parapet, awning, roof, service island canopy signs, and suspended signs shall not exceed 15% of the wall area on which it is displayed or 80 square feet, whichever is less.

EDGEWOOD COMMERCIAL AND RESIDENTIAL AND SERVICES

DISTRICT. Commercially zoned areas not included in the overlay zones. One monument style sign no larger than 32 square feet, six feet in height, subject to the provisions as set forth in Section 4.F., Standards for Permitted Sign Types.

Building Mounted Signs: The area of building mounted signs including wall, fascia, mansard, parapet, awning, roof, service island canopy signs, and suspended signs shall not exceed 15% of the wall area on which it is displayed or 80 square feet, whichever is less.

E. SIGNS FOR MULTI-TENANT BUILDINGS, DEVELOPMENTS, AND SHOPPING CENTERS.

1. Comprehensive Sign Programs: Approval of a Comprehensive Sign Program as specified in Section 6.F., COMPREHENSIVE SIGN PROGRAMS, is required for all new or existing multi-tenant developments.

- a. Development on Separate Parcels/Detached buildings:** The status of developments on separate parcels, or other detached buildings within a multi-tenant development or shopping center, is to be determined and identified at the time of submittal for a Comprehensive Sign Program for the project. Signage for such uses is permitted as follows:
 - i. Freestanding sign:** One freestanding sign shall be permitted for each multi-tenant building, development or shopping center on a separate parcel or detached building site, the size of which is determined by the zone category.
 - ii. Building mounted signs:** Building mounted signs including wall, fascia, mansard, parapet, awning, roof, service island canopy, and suspended signs permitted for individual businesses on a separate parcel development or detached building, shall be determined by the zone category.

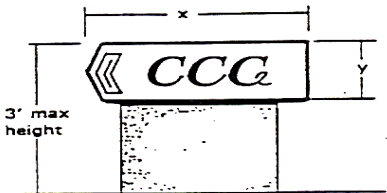
Elevations which provide a non-customer service entry, are permitted a non-illuminated building mounted wall sign of no greater than six (6) square feet in area, located adjacent to such entry.

F. STANDARDS FOR PERMITTED SIGN TYPES.

1. PURPOSE AND APPLICABILITY. This section is intended to provide for the establishment of signage criteria governing a large variety of sign types. The intent is to provide flexibility and to encourage superior sign design, while ensuring that conflicts between sign types, numbers, or design are minimized. The standards listed in this section contain design principles that apply to sign types permitted by this section. The signs permitted may include one or more of the listed sign types.

2. PERMANENT SIGNS. The following signs are permitted, subject to the criteria listed under each sign type.

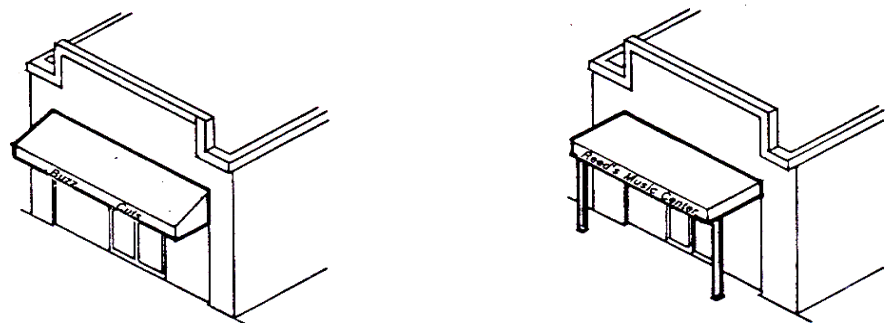
- a. Accessory Sign:** A permanent on-premise sign that is normally located adjacent to a public right-of-way, or near various points of passage on or within private property.



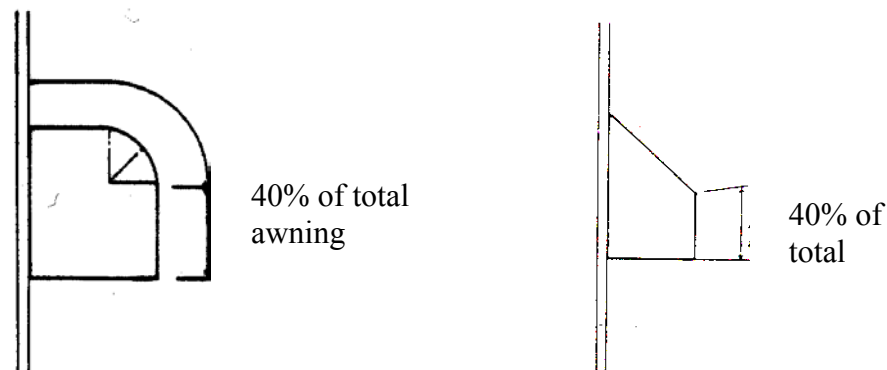
- i.** Such signs are permitted as part of a comprehensive sign program only, and are in addition to the aggregate area limits permitted for each use.
 - ii.** The sign shall not exceed three (3) square feet in area per face and may be double sided.

- iii. Building mounted accessory signs are permitted at a height no greater than eight (8) feet flat against a wall of the building. Freestanding accessory signs are permitted provided they are no greater than three (3) feet above grade.
- iv. A limit of one (1) accessory sign is permitted at each individual location or access way.
- v. Such signs may be internally illuminated or non-illuminated only.

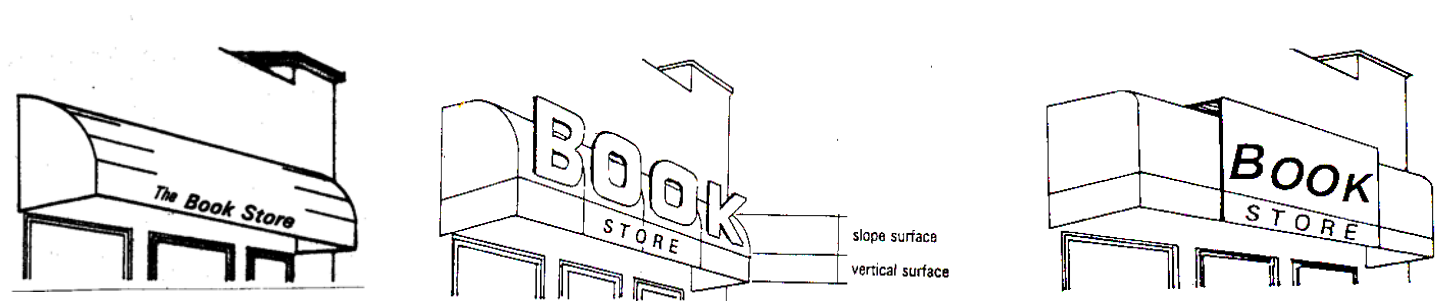
b. **Awning/Canopy Sign:** A sign which is printed, painted, or affixed to an awning or canopy.



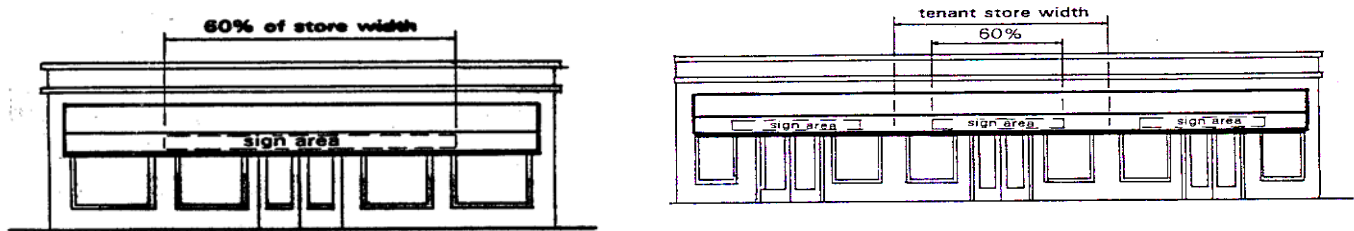
- i. Awning/canopy signs are permitted in non-residential zoning districts only.
- ii. Sign copy affixed to, or applied on an awning face or valance, or canopy edge, is counted in the aggregate total sign area permitted for the specific use or occupancy. No more than forty percent (40%) of an awning on which signage is proposed may be of an angle steeper than sixty (60) degrees from horizontal.



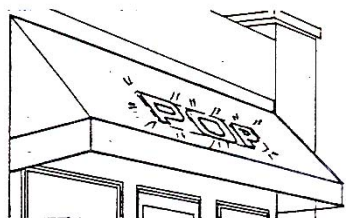
- iii. Sign copy, including logo, shall not exceed one (1) square foot of sign area per lineal foot of awning or canopy width.
- iv. Such sign shall only be displayed on the ground floor awning/canopy, of a multi-storied building. Signs on awnings or canopies of single-story buildings shall not exceed a height of twenty-five (25) feet.
- v. No awning sign may project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. No part of an awning/canopy sign, as part of, or displayed on, the vertical or sloped surface of an awning or canopy, shall project beyond the edges of the awning or canopy surface on which it is displayed.



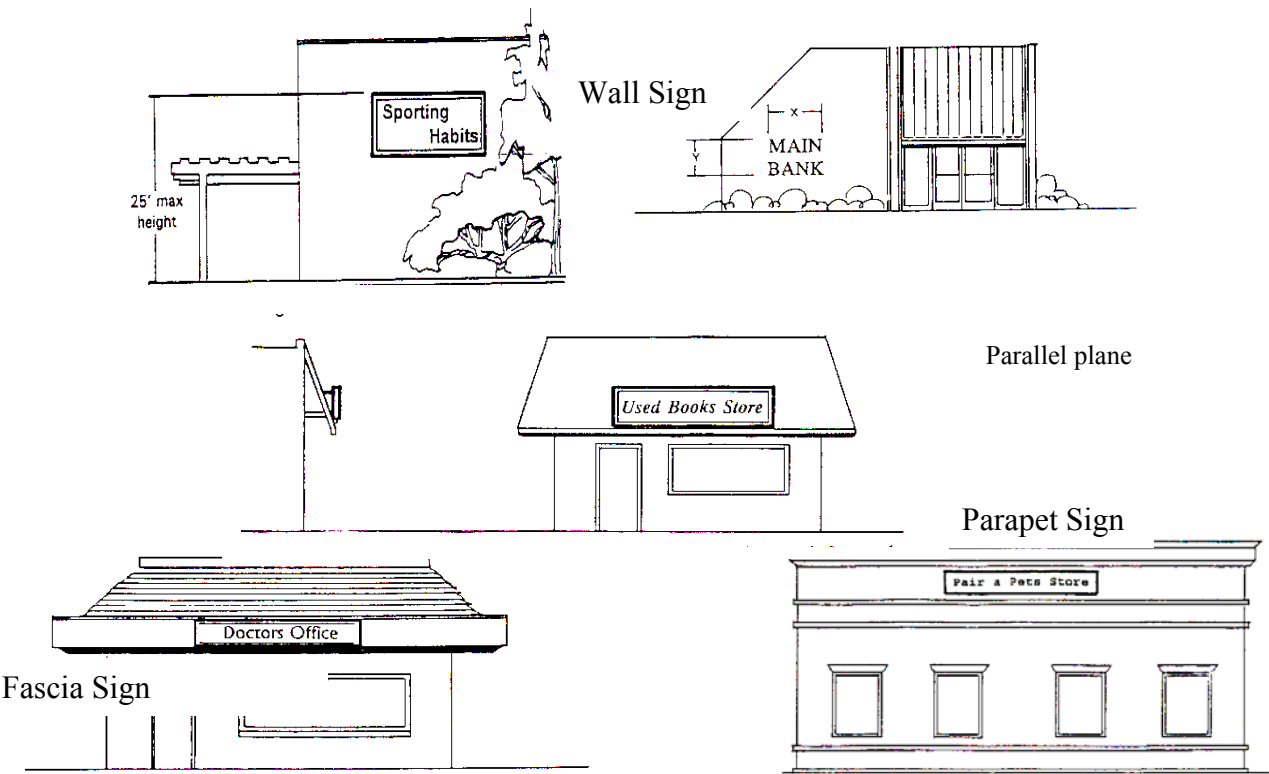
fronts, each store or tenant is permitted signage which extends a distance of not greater than sixty percent (60%) of the store width or tenant space.



vii. All illumination must be internal behind the surface of the awning/canopy.



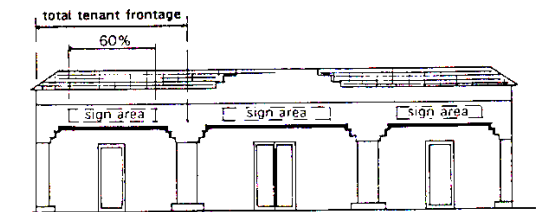
c. **Building mounted wall sign:** A sign attached to, painted on, or erected against the wall, parapet, fascia or mansard roof of a building or structure with the exposed face of the sign in a plane parallel to the vertical face of the building or structure.



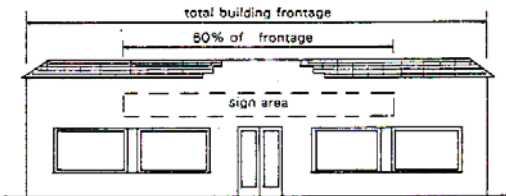
- i. The permitted area of such signs is derived from the use and zoning district where the sign is proposed to be located.
- ii. No part of such sign shall project from the building wall on which it is mounted a distance greater than twenty-four (24) inches. Mansard roof signs may be vertically placed, provided they are installed in such a manner that the structural supports of the sign are minimized. Angle irons, guy wires, braces or other secondary supports are permitted if enclosed or otherwise hidden from view.
- iii. Such signs are permitted to be located on the specific business identified therein, and are not transferable in whole or in part from one building frontage to another, nor from one occupancy to another. Where two (2) or more businesses are served by a single common entrance, they are considered one (1) business for sign computation purposes. Signs for businesses operating on a floor above or below ground level are permitted

adjacent to the sidewalk level entrance or access, subject to the "common entrance" provision, if applicable.

- iv. Building mounted wall signs shall not extend horizontally a distance greater than sixty percent (60%) of the width of the building wall on which it is displayed. Buildings containing multiple occupancies are permitted building mounted wall signs for individual tenants, however, such signage shall not extend horizontally a distance greater than sixty (60%) of the width of the building wall designated for such specific occupancy.

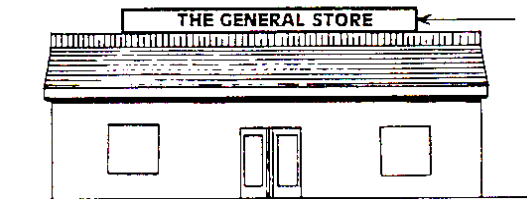
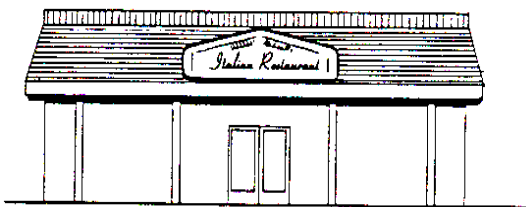


Multiple Store Fronts



Wall Mounted Sign Length

- v. No building mounted wall sign shall extend above or below the wall, parapet, or fascia upon which it is placed, nor shall such signs be installed within twelve (12) inches of the top of such building or parapet wall. Signs mounted on the lower portion of a mansard roof with a slope exceeding forty-five (45) degrees from the horizon are permitted, provided such signs do not project above the top of the roof feature on which it is placed. No sign is permitted which breaks the silhouette of the building on which it is located.



- vi. On a single tenant development site which fronts on a single street, additional area for the building mounted wall sign will be permitted if the permit applicant forgoes display of a freestanding sign permitted for the site. The building mounted wall sign area may be increased up to a maximum of one and one-half (1½) square feet for each linear foot of the building frontage, to a maximum sign area of one hundred (100) square feet. On a single tenant development site which fronts on two or more streets, additional area will be granted for one or both building mounted wall signs if the permit applicant forgoes display of one or both freestanding signs permitted for the site. Building mounted wall sign area may be increased to a maximum of one and one-half (1½) square feet for each linear foot of building frontage along each street where no freestanding sign will be displayed, up to a maximum of one hundred (100) square feet per building frontage. Requests to utilize this provision area reviewed under the normal sign permit application procedure. A sign permit issued under this section requires a voluntary release of rights to a freestanding sign for the duration of use of a larger building mounted wall sign. This release shall be evidenced by a recordable form of acceptance signed by the property owner of the subject parcel.

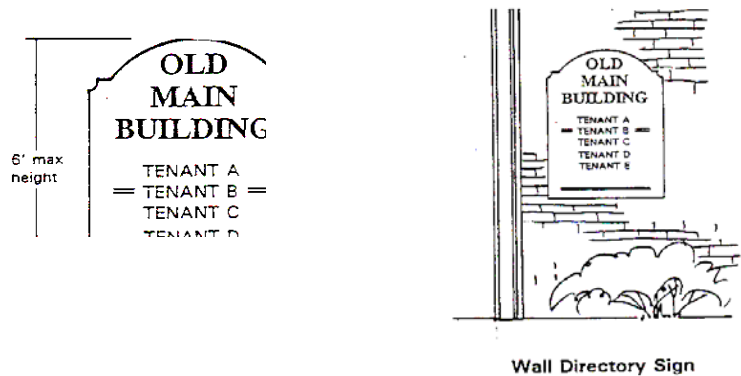
d. Changeable Copy Sign: A sign that is designed so that characters, letters, numbers, or illustrations can be manually, mechanically or electronically changed or rearranged without altering the face or surface of the sign.

- i. A changeable copy sign is permitted provided the sign area for a changeable copy sign is limited to not more than fifty percent (50%) of the permitted

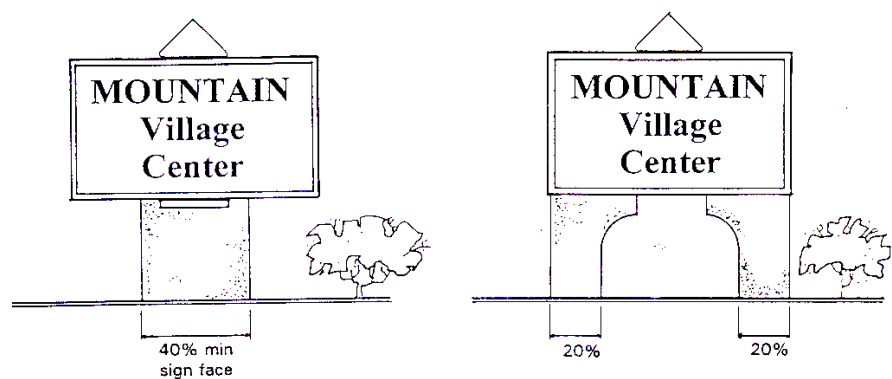
face area of any sign. This fifty percent (50%) provision shall not apply to signs required by law.

- ii. A changeable copy sign may be installed as part of a building mounted wall sign or a freestanding sign only.
- iii. All such signs shall comply with applicable illumination provisions of this Ordinance.

e. **Directory Sign:** A single sign, or a set of similarly designed individual signs placed or displayed in sequence and which may provide information in a list, roster, or directory format.

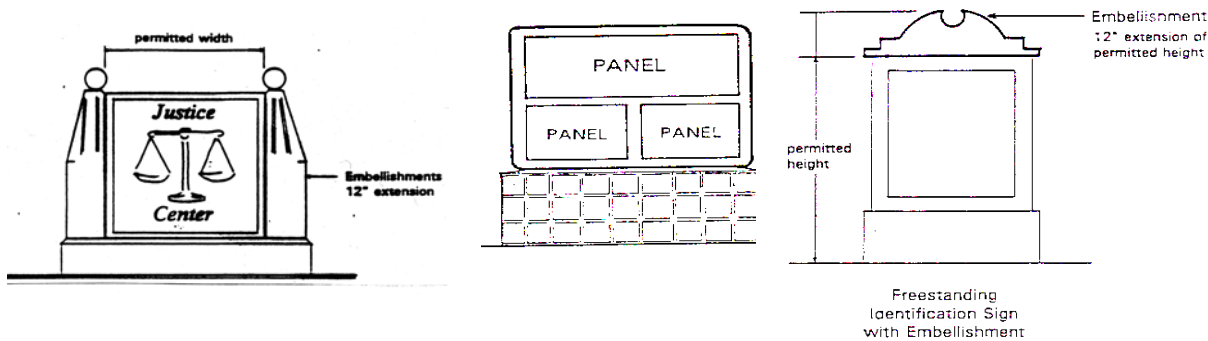


- i. Such signs are not counted in the aggregate sign area for the use subject to the standards of this section, provided they are not conspicuous from the public right-of-way.
 - ii. Such signs may be wall mounted or mounted on a low profile freestanding sign structure and may be non-illuminated, internally illuminated, or indirectly illuminated.
 - iii. The sign area of any directory sign shall not exceed sixteen (16) square feet and, if freestanding, shall not exceed six (6) feet in height.
 - iv. Such signs may be placed at points nearest the entrances to the businesses within the multi-tenant development, and/or within pedestrian oriented open spaces.
- f. **Freestanding Sign:** A sign which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.
- i. The number and type of freestanding signs for single and multiple tenant uses are derived from the, zoning district, in Section 4.
 - iv. The permanent sign base of a freestanding sign shall have an aggregate width of at least forty percent (40%) of the width of the sign cabinet or face.



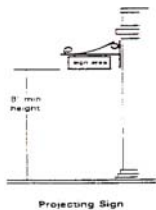
- v. The area beneath and around a sign shall be landscaped with native plants and material so as to complement the site and integrate the sign with buildings, parking areas, and natural site features. The landscaped area shall be incorporated into the landscape site design.

- vi. A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.
- vii. Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side.



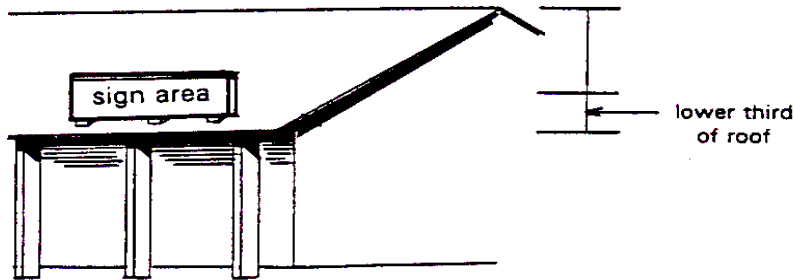
The leading edge of any freestanding sign is required to be set back a minimum of five (5) feet from the street side property line, and the sign structure a minimum of fifteen (15) feet from any interior side lot line. Where site design and/or specific circumstances of a site are such that sign setbacks may not be met, reductions to the set back requirements may be requested and granted upon documentation that such need exists, provided that in any case, the horizontal distance between freestanding monument signs on adjacent lots must be not less than the height of the taller sign. Freestanding monument signs shall not be installed within thirty (30) feet of any residential district.

- g. **Projecting Sign:** A sign attached to a building or other structure and extending, in whole or in part, more than fourteen (14) inches beyond the building.



- i. Such signs are permitted for use within a multi-tenant development, and shall be authorized as a component of a Comprehensive Sign Program only.
- ii. Such signs are counted in the total aggregate building mounted sign area for each use or occupancy; however, no individual projecting sign shall exceed twelve (12) square feet in area.
- iii. Projecting signs shall maintain a minimum clearance between the bottom of the sign and nearest grade or sidewalk of eight (8) feet.
- iv. Such signs may be non-illuminated or externally illuminated only consisting of down directed and shielded fixtures and incandescent bulbs.

- h. **Roof Mounted Sign:** A building mounted sign extending above the plate line of a building or structure.



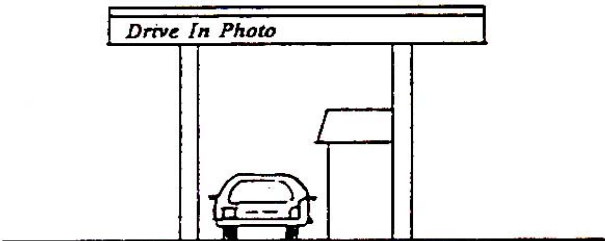
Roof Mounted Sign

- i. Roof mounted signs are permitted on the slope of peaked or sloped roof buildings only, where no walls exist to accommodate a Building Mounted Wall Sign. Such signs are counted the in aggregate building mounted sign area permitted for such use. Roof signs are permitted only on the lowest one-third (1/3) of the slope of the peaked roof, such that the sign does not project above the roof peak, break the silhouette of the building, or exceed twenty-five (25) feet in height.
- ii. Roof mounted signs, which meet the standards of this Section, are to be installed in such a manner that the structural supports of the sign are minimized. Angle irons, guys wires, braces or other secondary supports shall appear to be an integral part of the roof or roof sign.

i. **Service Island Sign:** A sign mounted permanently on, under, or otherwise mounted on a service island canopy.

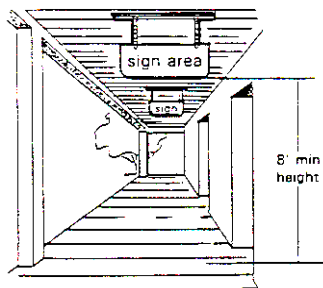
All types of Service Island signs are counted in the aggregate total sign area permitted for the use and are identified as noted herein.

- i. **Canopy Fascia Sign:** A sign mounted flush against the vertical plane of the canopy fascia.

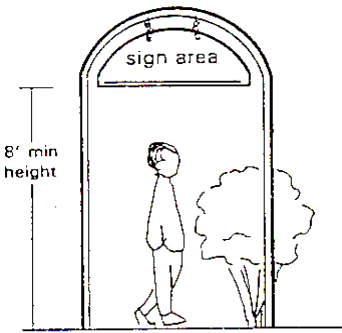


- ii. **Sign Board:** A sign located on a signboard that is permanently mounted on the canopy support pole at a height above the fuel pumps and below the fuel island canopy.
- iii. **Spanner Board Sign:** A sign mounted flush against the vertical plane of a spanner board. A spanner board is a structural member extending between two vertical support poles of the service island canopy and permanently mounted to the poles at a height above the service area and below the service island canopy.

j. **Suspended sign:** A sign attached to the underside of a lintel, arch or other overhead spanning member of a porch or walkway, and which is hung either perpendicular or parallel to a vertical wall surface.



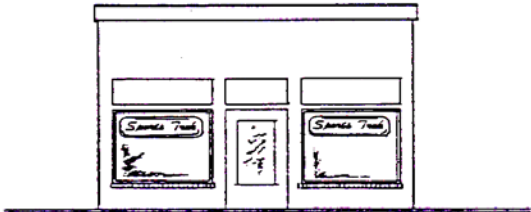
Suspended Sign



Suspended Sign

Such signs are permitted at a location on, or immediately adjacent to, the business the sign identifies:

- i. Where such signs are less than four (4) square feet in area, such signs are not counted in the total building mounted sign area for the use. Signs exceeding four (4) square feet in area are counted in the aggregate total sign area permitted for the specific use or occupancy and/or shall reduce the allowable wall sign area for the wall from which the sign is displayed. One such sign is permitted per business.
 - ii. A minimum clearance between the bottom of a suspended sign and nearest grade or sidewalk of eight (8) feet is required.
 - iii. No part of a suspended sign is permitted to extend beyond the edge of the building facade or overhang on which it is placed.
- k. **Window Sign:** A sign painted, etched, or otherwise affixed so as to be constantly displayed to a permanently installed window of a building. This includes signs required by contract with a franchise, proof of which must be submitted to the Planning & Zoning Office at the time of permitting.



- i. Permanent window signs may be displayed, if the area occupied by a permanent window sign shall not exceed fifty percent (50%) of the area of the window on, or within which they are displayed.
 - ii. No such signs are permitted on second story windows or higher.
- m. **Additional Signs for Restaurants and Cafés.** In addition to other signage, restaurants and cafes shall be permitted the following, limited to one of each sign per business. Theses additional signs shall not be calculated as part of the site’s overall allowed sign area.
- i. **Menu Box.** A wall-mounted display featuring the actual menu as used at the dining table. The menu box shall be located at or near the main entrance, at a height of approximately five feet, and shall not exceed two square feet in size. Menu signs may be lighted provided that any light directed toward the sign is shielded so as to illuminate only the face of the sign.
 - ii. **Sandwich Board Sign.** One sandwich board sign, per street frontage, the total area of which shall not exceed ten square feet. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. The sign shall be located within four feet of the main building entrance to the business and its location shall not interfere with pedestrian or vehicular circulation. All sandwich board signs shall be taken in at night.
3. **TEMPORARY SIGNS.** Temporary signs are permitted as provided for in this Section, and unless specifically indicated, temporary sign permits are required. Temporary signs shall not be illuminated.
- a. Banner signs may be permitted to be displayed a maximum of four time periods per calendar year, for a period no more than seven (7) days four times per year. Time periods shall be separated by a minimum of thirty days. Total sign area for banners shall not exceed the total square footage allowed for wall signs for that elevation.
 - i. Temporary signs on designated street lights or display structures on public property to promote civic and community events, and subject to approval of

such signs by the Planning & Zoning office to assure secure attachment and to prevent any safety hazard; or

- ii. A single banner for a new occupancy or use, of the size permitted for a permanent wall sign for such use, and for a maximum of forty-five (45) days within the first six (6) months of establishment of such new occupancy or use, which may be associated with the issuance of a sign permit for a permanent sign for the new occupancy or use.

b. Temporary signs shall be displayed for a time period not exceeding ninety (90) days. Signs displayed for a time period exceeding ninety (90) days are considered permanent signs and are subject to the sign permit requirement for permanent signs, and are counted in the aggregate total sign area permitted for the property upon which the sign is placed.

Such signs shall not exceed twenty-four (24) square feet in area or four (4) feet in height per frontage on any parcel in any Non-Residential Zoning District.

c. Temporary Signs in Windows: Temporary window signs may be displayed, provided that the total area occupied by the window signs shall not exceed fifty percent (50%) of the area of the window on, or within which they are displayed.

d. Costumed figures/novelty characters. Temporary costumed figures/novelty characters may be permitted to be displayed outdoors two time periods per calendar year. Said figures/novelty characters shall be authorized for no more than five consecutive days per time period at any business location. A temporary permit shall be obtained from the Planning & Zoning Office.

e. Real Estate Signs

- i. **Commercial Real Estate Signs.** One on premise sign per street frontage shall be allowed, no larger than 64 square feet, nor 20 feet in height. Such signs shall carry no commercial message other than information on the lease or sale of the premises on which the sign is displayed
- ii. **Residential Real Estate Signs.** One on premise sign per street frontage shall be allowed, no larger than five square feet per side in area and 42 inches in height.
- iii. **Open House Real Estate Signs.** Open house signs not to exceed 6 square feet in area and 4 feet in height, advertising real estate open for inspection may be placed on private property in the vicinity of the property open for inspection, with the property owner's permission. They shall not be attached to trees, poles or street signs. Open house signs shall be displayed only during those hours/day(s) which the house is open for actual inspection.
- iv. **Off-Premise Development Signs.** Signs announcing or identifying a future residential development. Three directional signs may be allowed for a developer to guide traffic to the site and should contain only the name, address, and direction of the development. They are limited to 32 square feet in area and 8 feet in height and must be placed entirely upon private property with the permission of the property owner. Two additional 16 square foot directional signs may be allowed if an unusual circumstance can be demonstrated. They may not encroach upon any public right-of-way and may not be located within the 60-foot traffic visibility triangle on corners.

Such signs shall be removed within 2 years of the issuance of the first building permit in the project or if the lots are sold out before 2 years immediately upon sale of the last lot. An extension may be granted by the Planning & Zoning Office if a substantial number of the lots have not been sold at the end of the 2-year period. A temporary permit shall be obtained from the Planning & Zoning Office.

- v. On-Premise Development Identification Signs.** Signs announcing or identifying the future development of commercial or industrial property are allowed one per public or private street frontage. The sign(s) may not be erected before the proposed development has been submitted for site plan review. They must be removed before permanent signs are installed.

SECTION 5. PROHIBITED SIGNAGE

A. PURPOSE.

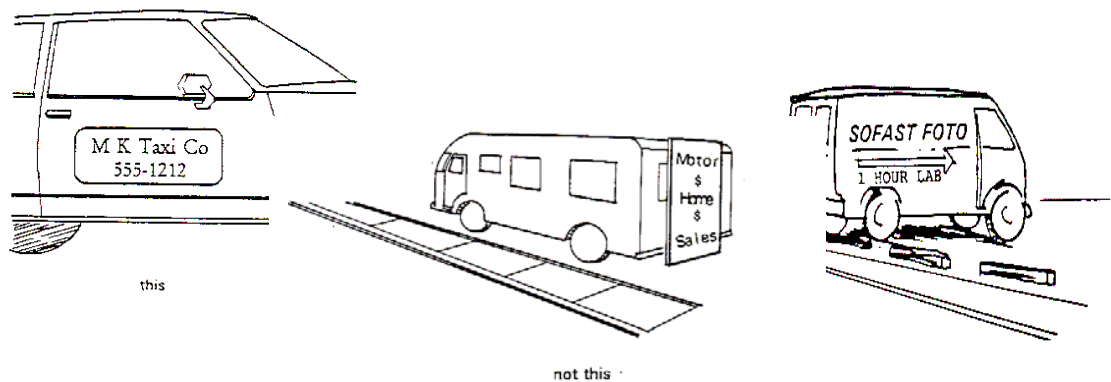
The purpose of this Section is to specify sign types and other devices which are prohibited within the jurisdiction of the Town of Edgewood.

B. APPLICABILITY.

Any sign not specifically authorized by this ordinance is prohibited unless required by law. The following signs and conditions are prohibited:

1. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this Ordinance. Planning & Zoning personnel may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property.
2. Handbills circulated or distributed upon any motor vehicle which is parked upon any public street, alley or public parking area, or upon any such vehicle parked upon any private property.
3. Any sign attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.
4. Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
5. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the any Building Codes in adoption, or by the 1997 Uniform Fire Code.
6. Any sign or lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, scintillating, blinking, or strobe light illumination.
7. Any sign with exposed incandescent, metal halide, or fluorescent light bulbs.
8. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon, or motion picture projection.
9. Any sign animated by any means, including fixed aerial displays, balloons, pennants, including strings of flags, streamers or devices affected by the movement of the air.
10. Any sign with movement of the sign body such as rotating, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether by mechanical or any other means.
11. Any banners or temporary signs, except as provided for in Section 4.F.3.
12. Any off-premise signage.

- 13. Any portable sign or attention getting device including but not limited to: sandwich, A-frame, tire rim or hand-held sign, animated signs or costumed character, stuffed animal, or vehicle used as a sign or sign structure; and/or string of lights arranged in the shape of a product, arrow, or any commercial message, except as permitted in Section 4.
- 14. Any sign mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract attention of the public for advertising purposes. Such signs or devices are considered portable signs within the meaning of these regulations and are prohibited. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities.



- 15. Any sign painted, attached or mounted on fuel tanks, outdoor storage containers and/or solid waste receptacles or their enclosures.
- 16. Any unauthorized sign attached to existing signs, outdoors light poles, or other structures.

SECTION 6. PERMITS

A. PURPOSE.

The purpose of this Section is to set forth procedures and standards for processing sign permit applications.

B. REQUIREMENT.

- 1. **SIGN PERMIT REQUIRED:** Except as provided in Section 2.B. EXCEPTIONS, it shall be unlawful for any person to erect, place, display, alter, or relocate a sign without first obtaining a permit or permits from the Planning & Zoning Office of the Town of Edgewood.
- 2. **CONDITIONS OF PERMIT ISSUANCE:**
 - a. If a specific occupancy or use displays unlawful or nonconforming signs, sign permits shall not be issued in response to:
 - i. Requests for new or additional signs; and/or
 - ii. Requests for changes to a nonconforming sign of an aggregate of ten percent (10%) or more of any part of the sign.
 - b. A sign permit may be issued for a specific occupancy or use provided the terms thereof specify modifications or removal of nonconforming signs resulting in conformity with the provisions of this Ordinance, and the Edgewood Municipal codes.

If there are unlawful or nonconforming signs displayed within a multi-tenant building, development or shopping center, permits shall not be issued in response to:

- i. Requests for new or additional signs; and/or
- ii. Requests for changes to any existing nonconforming freestanding sign within the boundaries of such development of an aggregate of ten percent (10%) or more of any part of the sign.

A permit for a freestanding sign may be issued for a multi-tenant building, development, or shopping center provided the terms thereof specify modification or removal of the nonconforming freestanding sign(s) resulting in conformity with the provisions of this Ordinance and the Edgewood Municipal codes.

C. APPLICATION REQUIREMENTS.

To obtain an approved sign permit, the applicant shall complete and submit an application to the Planning & Zoning Office on a form prescribed by the Town. The application is to be accompanied by the sign permit application documents, and any other necessary information requested by the department. All applications shall include the written consent of the owner, lessee, agent, or trustee having charge of the property on which the sign is proposed to be located.

D. SUBMISSION REQUIREMENTS.

The required number of fully dimensional sign plans are to be submitted by the applicant and shall include the following:

1. Scaled drawings with sign dimensions and locations;
2. Sign copy;
3. Construction specifications, including electrical components and wiring; method of attachment and design of structured members to which attachment is to be made;
4. Location of the foundation or posthole location in relation to the property line and public right-of-way.
5. All signs for which a sign permit is required are subject to following installation guidelines established by the 1997 Uniform Sign Code.
6. Permits authorizing the use of any sign structure may be withheld when inadequate information is submitted to determine if the proposed action is in conformance with the provisions of these sign regulations. Applicants will be contacted and made aware of sign permit application information needed to complete the submittal. Planning & Zoning Office personnel shall not be compelled to issue a permit for any sign structure, if such use, construction, reconstruction or alteration is found to be in conflict with the provisions of this Ordinance.

E. REVIEW AND APPROVAL.

1. **REVIEW.** Upon submittal, the application will be reviewed for conformance with the standards of this Ordinance, and a permit will be issued within ten (10) days of a complete submittal, if the application meets the applicable standards and the required fees are paid. Items for approval by the Planning & Zoning Commission will be scheduled for the next available agenda.
2. **MINOR AMENDMENT.** The Planning Administrator shall review applications for minor amendments to sign permits before any change, modification, alteration, or other deviation from the terms and conditions of the sign permit and before any such change in the use of the sign as originally permitted can be made. The Planning Administrator may approve the changes, so long as the proposed sign installation will meet all standards or requirements set forth in this section which apply to the sign permit and installation.
3. **SUBSTITUTION.** At any time after a sign permit is issued, a new owner, tenant, lessee, architect, engineer, or contractor of record, may be substituted for the original applicant, if a record of the new interest is made with the Town of Edgewood and the

new interest assumes all obligations he or she would have had under the original permit. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.

4. **EXPIRATION.** A sign permit may be considered a license to proceed with the work specified in the permit. Such permit shall expire and become null and void, if the work authorized under such permit is not commenced within one hundred and eighty (180) days from the date of issuance of such permit, or if work is suspended or abandoned for a period ninety (90) days or more at any time after the work has commenced. If a permit has not been obtained within one hundred and eighty (180) days after the approval of permit plans and issuance of such permit, the Planning & Zoning Office shall consider the application withdrawn and may destroy any application and plans pertaining to the application.

F. COMPREHENSIVE SIGN PROGRAMS.

1. **PURPOSE.** The purpose of this section is to provide a process to respond to special signage needs of proposed or existing non-residential uses, as well as to provide for sign design incentives for monument style signs that promote superior sign design.

2. **APPLICABILITY.** The following provisions governing comprehensive sign programs apply to proposed or existing non-residential uses.

- a. Required:

- i. For all proposed non-residential multi-tenant developments and master planned communities, a Comprehensive Sign Program is required.
- ii. For existing non-residential multi-tenant uses, a Comprehensive Sign Program is required when:
 1. A building addition and/or an increase of use is proposed in terms of gross floor area, seating capacity, or other units of measurement indicating an intensification of use of twenty-five percent (25%) or more;
 2. When an exterior structural remodeling of the building facade is proposed which affects signage.

- b. **Optional:** A comprehensive sign program may voluntarily be developed and maintained by the owner, developer or representative of any new or existing non-residential use, when the owner, developer or representative seeks adjustment allowances provided for under the Sign Design Performance Standards of this section. Any adjustment allowances authorized under a Comprehensive Sign Program using the Sign Design Performance Standards, apply to all building mounted signs and freestanding signs within the boundaries of the subject site.

3. **REVIEW.**

- a. **Administrative Review:**

- i. Comprehensive sign programs which reflect proposed signage in compliance with the standards of this Ordinance are reviewed by staff in a standard administrative review procedure, and are not subject to additional review requirements.
- ii. The Comprehensive Sign Program submittal is reviewed for compliance with the requirements of this Ordinance, and a recommendation to approve, conditionally approve, or deny the proposed sign program will be made by staff. Upon signature and acceptance of the Sign Program by the Planning & Zoning Office, a copy of the approved Comprehensive Sign Program will be made available to the applicant. The construction and placement of individual signs contained in the approved Comprehensive Sign Program is subject to the issuance of sign permits in accordance with this Ordinance.

- iii. A written appeal of the outcome of a Comprehensive Sign Program review, may be made to the Planning and Zoning Commission within ten (10) days of the outcome of the review, and shall meet the submittal requirements as listed in this Section for use by the Planning and Zoning Commission. The appeal submittal must be received by the Planning & Zoning Office at least sixteen (16) days prior to a regularly scheduled meeting of the Planning and Zoning Commission at which the appeal is to be heard.
- iv. The Commission shall affirm, reverse, or modify the decision of staff in regard to the Comprehensive Sign Program, in accordance with these regulations and any other applicable provisions of the *Edgewood Municipal Codes*.

b. Comprehensive Sign Program Review:

- i. Comprehensive sign programs containing design elements which exceed the permitted height and/or area of signs permitted under Section 4, may be approved upon review by the Planning & Zoning Commission. Requests for such review will be scheduled for the next regularly scheduled meeting of the Planning and Zoning Commission after submittal of a complete Comprehensive Sign Program package.
- ii. The Commission shall review such comprehensive sign programs in accordance with the Sign Design Performance Standards, and shall approve, approve with conditions, or disapprove the proposed comprehensive sign program.
- iii. Any person aggrieved by a decision of the Planning Commission to approve or disapprove a comprehensive sign program may file an application for appeal with the Town Council within ten (10) calendar days of the decision. If a decision by the Planning and Zoning Commission is appealed, the Town Council shall consider the appeal within three weeks of the appeal request or as soon as is reasonably practical. The Town Council shall affirm, reverse, or modify the decision of the Commission in accordance with the standards referenced above and any other applicable provisions of this Ordinance.

4. SUPPLEMENTAL PROVISIONS.

- i. Modifications to an approved Comprehensive Sign Program may be requested pursuant to the procedures set forth in this Section, as noted above.
- ii. Comprehensive Sign Programs required by this Section are subject to the application requirements and conditions as identified herein, however, the implementation of the Comprehensive Sign Program may be done in phases.
- iii. No sign identified in this Section may be placed upon real property without the consent of the real property owner(s), who shall either sign and submit the application for a comprehensive sign program or designate in writing an authorized representative.

5. SUBMITTAL REQUIREMENTS.

For a proposed or existing non-residential multi-tenant use or master planned community, submittal of the sign program is required following or in conjunction with the approval of the required site plan for the development, and prior to issuance of a zoning approval on a building permit for the development. For consideration of a Comprehensive Sign Program, a complete application must be submitted to the Planning & Zoning Office, and shall be signed by the property owner(s), and/or their authorized agent(s), if appropriate, of the property covered by the Comprehensive Sign Program. Such application shall contain the following:

- a. An accurate plot plan of the overall development, including all parcels comprising the multi-tenant development or master planned community, at such a scale, as the Planning Office requires.
- b. The location(s) and sizes of existing and proposed buildings, parking lots, driveways, streets and landscaped areas of the development.
- c. The size, location, height, color, lighting source, and orientation of all proposed signs for the development, with a computation of sign area for each sign type. The Comprehensive Sign Program shall include a complete set of standards, including but not limited to, letter size, style, colors, type(s), placement and number of signs, and sign material(s). A narrative description of the project which may be necessary to demonstrate that the sign program meets the required findings and/or sign design standards is also required.
- d. Any other information deemed necessary to meet the findings noted above.

6. SIGN DESIGN PERFORMANCE STANDARDS. (INCENTIVES)

- a. **Sign Design Elements:** Increases in the allowable area and/or height of monument style signs may be approved to encourage permanent signs with design features that are preferred by the Town and the Community at large.

All signs located in multi-tenant centers are required to comply with the center's comprehensive sign plan, if such plan has been approved by the Town of Edgewood

1. Raised Letter Signs: The purpose of this standard is to encourage the use of individual lettered business and logo design, or where appropriate, signs containing copy, logo and/or decorative embellishments in relief on the face of the sign. Such improved sign design results in enhanced readability of sign copy and a positive image of a business or use.

- i. A sign area and/or height increase may be given for the use of sign designs which display the following:
 - a. Pan channel letters without raceways, or internal/indirect illuminated (halo) letters, on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
 - b. Or where appropriate, carved signs with a three (3) dimensional textured surface that is integral to its design, such as extensively carved, routed, and/or sandblasted signs containing the business name and/or logo.

Fifteen percent (15%) area increase and/or a ten percent (10%) height increase

2. Simplified Letter and/or Logo Copy: The purpose of this standard is to encourage easily recognizable business identification while simplifying the appearance of the Town streetscape.

Single Tenant Use, or Individual: Occupancy within a Multi-Tenant Building, Development or Shopping Center:

Four (4) Items of Information:

Fifteen percent (15%) area increase and/or a ten percent (10%) height increase.

Multi-Tenant Building, Development or Shopping Center:

Four (4) Items of Information:

Fifteen percent (15%) area increase; ten percent (10%) height increase

Fourteen (14) Items of Information:

Twenty-five (25%) area increase; twenty percent (20%) height increase

3. Sign Structure Materials: The purpose of this standard is to encourage the use of native or natural materials in the construction of sign structures resulting in improved and innovative sign design and an improved image of a business or development.

A sign area and/or height increase may be given for the use of sign designs which display the following: A minimum of seventy-five percent (75%) of the sign structure and face are constructed of native or natural materials, which shall include, flagstone, river rock, redwood, cedar, treated pine, used brick, and/or unpainted or unfinished metals.

Fifteen Percent (15%) Area Increase Ten Percent (10%) Height Increase

- i. Sign Structure which blends with the Development Site: The purpose of this standard is to encourage sign designs which incorporate the sign and sign structure into a major element of a building facade, or significant landscape feature which can result in the creation of a unique image for a development.
- ii. A sign area and/or height increase may be given for the use of sign designs which display the following: Sign designs which integrate major architectural elements or details of the development site into the building facade for a building mounted wall sign, or the support structure for a freestanding sign.

Fifteen Percent (15%) Area Increase Fifteen Percent (15%) Height Increase

4. Replacement of Nonconforming Signs: The purpose of this standard is to encourage the replacement of nonconforming freestanding signs with conforming signs which are slightly higher than those normally allowed, while maintaining sign and site compatibility and an improved image of a business or development.

For each nonconforming freestanding sign removed from a subject site, a new replacement sign which otherwise meets all the requirements of this Ordinance may be permitted a sign height increase of ten percent (10%).

5. Cumulative Adjustments: Where more than one (1) feature listed is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the permitted sign area and height for the applicable site as determined in this chapter, and a cumulative maximum sign area increase of fifty percent (50%) seventy-five percent (75%) for signs, and a cumulative maximum sign height increase of fifty percent (50%), are permitted under the Sign Design Performance Standards, as follows:

- i. Two (2) to four (4) features:
 - a. A sign design which incorporates any two (2) features is allowed a thirty percent (30%) adjustment in area and/or a twenty to thirty percent (20-30%) increase in sign height for use of applicable features.
 - b. A sign design which incorporates any three (3) features is allowed a forty-five percent [45%] sign area and/or a thirty-five to forty percent (35-40%) increase in the sign height for use of applicable features.
 - c. A sign design which incorporates any four (4) features is allowed a forty percent (40%) adjustment in sign area fifty percent (50%) increase in the sign height for use of applicable features.
 - d. Use of design standard number (5) in conjunction with sign design standards one (1) to four (4) for any one sign, shall not exceed a cumulative increase of seventy-five percent (75%) of the original maximum permitted sign area for the applicable site. Use of design standard number six (6) in conjunction with standards one (1) to four (4) for any sign shall not exceed a

cumulative increase of fifty percent (50%) of the original maximum permitted sign height for the applicable site

G. INDIVIDUAL SIGNS AUTHORIZED BY AN APPROVED COMPREHENSIVE SIGN PROGRAM.

Sign permits may be issued for individual signs authorized by an approved Comprehensive Sign program in accordance with Section 6.F. provided:

Such signs conform to all applicable conditions of the approved Comprehensive Sign Program.

Such sign permits are applied for within a time period specified as part of the conditions of the content or review of the Comprehensive Sign Program, where applicable.

Such sign permits are applied for prior to any subsequent amendment to the Sign Ordinance which is more restrictive than provisions existing when the Comprehensive Sign Program was approved.

However, when a sign permit or permits may not be issued due to non-compliance with the terms of an approved Comprehensive Sign Program, appeal from such decision may be made to the Planning and Zoning Commission, or amendment to an approved comprehensive sign program may be proposed subject to the provisions of this Ordinance.

H. VARIANCES AND APPEALS.

Except as provided in this section, written variance or appeal requests are to be received by the Planning & Zoning Office within ten (10) days of the administrative review being appealed.

SECTION 7. APPEALS

A. VARIANCES

1. Nothing herein shall preclude an applicant from requesting a variance from the provisions of this Ordinance.
2. Such variances shall be referred to as Sign Variances and may be granted only pursuant to and in accordance with the procedure set forth herewith.
3. Neither the Planning & Zoning Office nor the Planning Commission on appeal shall grant a sign variance unless it is found that:
 - a. Special circumstances uniquely applicable to the subject property deprive such property of the ability to display signs enjoyed by other property in the vicinity of the subject property and in the same zoning district or special sign zone. Such special circumstances shall include without limitation the size, shape, location or surroundings of the subject property, and the orientation of the buildings thereon, but shall expressly exclude any consideration of:
 - i. The personal circumstances of the applicant for variance; or
 - ii. Any changes in the size or shape of the subject property made by the owner of the property and/or the applicant for variance, or made or occurring while the subject property was situate in the zoning district where it is not located, regardless of whether such changes were caused by the requirements and regulations of this code; and
 - b. The Sign Variance, subject to such conditions as may be imposed thereon by the Planning & Zoning Administrator or the commission:
 - i. Will not impair the utility or value of adjacent properties or the general welfare of the neighborhood;
 - ii. Will not impair the integrity and character of the zoning district or special sign zone in which the subject property is located;
 - iii. Will not materially add to visual clutter; and
 - iv. Will not create visual blight.

B. APPLICATION:

1. Any subdivider/developer requesting a Variance shall complete an application on prescribed forms available from the Town Offices, pay any required administrative fee, and submit any other required supporting documentation.
2. Supporting documentation shall include, but not be limited to a written statement specifying any and all regulations or standards from which a variance is requested; the reason(s) for the requested variance; and any and all proposed alternative regulations or standards.

C. REVIEW:

1. The Planning Commission shall review and discuss the request for variance and supporting documentation at a regular meeting, and may request comments from Town staff and/or from other governmental and utility agencies.
2. The Planning Commission shall:
 - a. Call for Public Hearing
 - b. Require posting of yellow public notice signs for a minimum of 15 days prior to Public Hearing.
 - c. Recommend disapproval or approval to the Council, or
 - d. Delay, until their next regular meeting, making a recommendation to the Council.

D. DECISION:

1. Within thirty (30) days of the Public Hearing at which the request was considered, the Council shall:

Approve the Variance, or

- a. Disapprove the Variance, or
- b. Remand the request for Variance back to the Commission for further consideration and recommendation, or
- c. Request more information prior to making a decision, and postponing their decision pending receipt of this information.

E. FEES:

PURPOSE. The purpose of this section is to provide cost recovery measures supporting the administration and enforcement of the **SIGN REGULATIONS**, toward a self-supporting status.

PERMANENT SIGN PERMIT FEES: Before issuance of any sign permit required by this Ordinance, the Town shall collect a \$50.00 permit fee for each Sign.

VARIANCES AND APPEALS. Requests for a variance and/or appeal authorized under this Ordinance shall be accompanied by a fee of \$100.00 for the first sign listed as part of the variance or appeal request and \$50.00 for each sign thereafter.

WORK WITHOUT A PERMIT: No work shall be started for the installation of any sign, for which a permit is required by this Ordinance without first obtaining a sign permit. Any work done without a permit, or any work beyond the authorized scope of a sign permit constitutes a violation and is grounds for the Planning & Zoning Office to issue a correction notice and/or stop all work on the sign until appropriate permits are obtained, and may subject work performed to assessment of double permit fees as set forth herein. The double permit fee required by this Section will be equal to twice the amount identified above. The payment of a double permit fee shall not exempt any person from compliance with all other provisions of this Section nor from any penalty prescribed by law.

REINSPECTION CHARGES. A reinspection fee will be charged if more than one inspection is made to determine compliance after issuance of a correction notice during construction or erection of a sign, or after issuance of any notice of violation. No fees shall be charged for an inspection establishing that a violation exists, or for the first inspection following the issuance of a notice. The reinspection charge shall be imposed if any subsequent inspection is required to determine compliance. Each reinspection fee will be \$50.00, to a maximum cumulative amount of \$1,000.00 per violation.

SECTION 8. ENFORCEMENT

A. ENFORCEMENT.

Enforcement of this Ordinance shall be in accordance with provisions of this Ordinance, and *Edgewood Municipal codes*.

The provisions of this Ordinance are nonexclusive and supplementary to existing rights and remedies authorized in the *Edgewood Municipal codes*. Nothing in this Ordinance shall prevent the Town from commencing any appropriate action to correct a violation and/or abate a nuisance in addition to, alternatively to, or in conjunction with any proceedings authorized in this Ordinance. Nor shall anything in this Ordinance be deemed to prevent the Town from commencing a criminal action with respect to the violation, in addition to, alternatively to, or in conjunction with the proceedings set forth in this Ordinance.

B. PERMIT LIMITATIONS.

1. **TRANSFERABILITY.** Permits, permit numbers or permit applications and attachments shall not be transferable to other sites. They are valid only for a specific sign at the specifically designated location. If at any time, a sign or sign structure is altered, removed, or relocated in a manner different from the terms of the sign permit, such existing sign permit will become void and a new application made for the new sign installation when necessary.
2. **REVOCATION.** Planning & Zoning Office may, in writing, suspend or revoke a permit issued under provisions of this Section, should they determine that the permit was issued on the basis of a material omission or misstatement of facts.
3. **AUTHORITY.** No permit for a sign issued by the Town of Edgewood may be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.
4. Sign permits for new or additional signs shall not be issued for a specific occupancy if such occupancy displays unlawful or nonconforming signs. A sign permit may be issued for a specific occupancy provided the terms of such permit specify modification or removal of nonconforming signs resulting in conformity of all signs with the provisions of this Ordinance.
5. Sign permits for new or additional freestanding signs within a multi-tenant building, development or shopping center shall not be issued if unlawful or nonconforming freestanding signs are displayed within the boundaries of the multi-tenant development site. A permit for a new or additional freestanding sign may be issued provided the terms thereof specify modification or removal of nonconforming freestanding signs resulting in conformity with the provisions of the Ordinance.

SECTION 9. VIOLATIONS

A. NOTICE. When the Planning Office determines that a violation of this ordinance has occurred or is occurring and is unable to secure correction, the Planning & Zoning Office is hereby empowered, and may issue a notice of violation to the person responsible for the violation.

The Planning & Zoning Office may issue a notice of violation without having to secure correction under the following circumstances:

1. When an emergency exists; or
2. When a repeated violation occurs; or
3. When the violation creates a situation or condition which cannot be corrected; or
4. When the person knows or reasonable should have known that the action is in violation of a Town regulation; or
5. The person cannot be contacted or refuses to communicate or cooperate with the Town in correcting the violation.

B. CONTENT. The notice of violation shall contain at least the following information:

1. A statement indicating which steps are necessary to correct the violation; and
2. A statement indicating the time in which the violation is to be corrected; and
3. A statement indicating that failure to comply with the notice may subject the owner or person causing the violation to further civil and criminal penalties; and
4. A statement that failing to comply with the notice may subject the owner or violator to the costs and expenses of abatement incurred by the Town and monetary penalty in an amount per day for each violation as specified in this ordinance.
5. A notice of violation shall be sent by certified or registered mail, return receipt requested, to the owner of the sign, and/or owner of record of the property upon which the sign is situated.

C. FAILURE TO COMPLY. If no corrective action has been taken within 30 days after notice has been given, the Planning Administrator shall initiate or cause to be initiated any legal action or proceedings necessary to enforce this Ordinance. The Planning Administrator may extend the date for compliance for good cause.

Upon written request prior to the date that the violation is to be corrected, good cause may include substantial completion of necessary correction(s) or unforeseeable circumstances that render compliance impossible by the date established.

SECTION 10. PENALTIES AND REMEDIES

A. CRIMINAL PENALTY. Any person, firm, corporation, or association placing or erecting any sign in violation of this Ordinance shall be guilty of a petty misdemeanor, punishable by a fine of up to \$100.00 per sign for the first day of the violation; up to \$250.00 per sign for the second day and up to \$300.00 per sign for each day thereafter.

B. REMOVAL OF ILLEGAL SIGNS. Signs placed illegally within public property right-of-way may be removed by enforcement personnel. The first time a sign or signs are removed from public property, the person, business, or service identified on the sign will be given a notice of violation. If the same or similar signs identifying the same person, business, or service are again removed from public property, such person, business or service will be charged a disposal fee of \$25.00 per sign.

SECTION 11. DEFINITIONS

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

ABANDONMENT. The discontinuation of use for a period of six (6) months.

ABUTTING. Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

ACCESS. A means of vehicular or nonvehicular approach or entry to or exit from property, a street, or highway.

ACCESS, SECONDARY. A means of vehicular or nonvehicular approach or entry to or exit from property from other than a public street or highway (such as an alley). This is not necessarily meant to include a second access that might be required for developments.

ACCESSORY BUILDING OR STRUCTURE. An accessory building or structure is one which:

1. Is subordinate to and serves a principal building or principal use; and
2. Is subordinate in building area, intensity of use, or purpose to the principal building or principal use served; and
3. Contributes to the comfort, convenience, and necessity of the occupants of the principal building or principal use served; and
4. Is located on the same zoning lot as the principal building or principal use served, with the single exception of accessory off-street parking facilities that are permitted to locate elsewhere; and
5. Is prohibited prior to the establishment of the primary use except where authorized by the Zoning Administrator.

ACCESSORY SIGN. A permanent on-premise sign that is normally located adjacent to a public right-of-way, or near various points of passage on or within private property.

ACCESSORY USE. A subordinate use of a building, other structure, or use of land which is:

1. Clearly incidental to the use of the main building, other structure, or use of land; and
2. Customarily in connection with the main building, other structure, or use of land; and
3. Located on the same lot with the main building, other structure, or use of land.

ADJACENT. Nearby, but not necessarily touching or abutting.

ACCESSORY SIGN. A permanent on-premise sign that is normally located adjacent to a public right-of-way, or near various points of passage on or within private property.

AGGREGATE SIGN AREA. The sum of the measurement of all signs of a specified type.

AISLE OR AISLEWAY. The travelled way by which cars and other vehicles enter and depart parking spaces, but not including streets or alleys.

ALLEY. A recorded public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change in size, shape, character, occupancy, or use of a building or structure.

ANIMATION, SIGN. A sign, or any portion of a sign, made or equipped to move or give the appearance of moving, either by the movement of any light used in conjunction with a sign, such as blinking traveling, flashing, or changing degree of intensity, or by mechanical means, or movement of the air.

APPEAL. A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 7.

AREA OF SPECIAL DESIGNATION. A geographical area or site, indicated within the ordinance providing for special sign regulations.

ARCHITECTURAL FEATURE. A balcony, canopy, column, door, eave, roof, soffit, window, wing wall, or similar three-dimensional exterior element of a building or structure that lends to the overall exterior form, context and appearance of the building or structure

ARTERIAL, MAJOR. A paved road with an average daily traffic count of more than 5000 vehicles per day.

ARTERIAL, MINOR. A paved road with an average daily traffic count of between 2000 and 4999 vehicles per day.

ATTENTION GETTING DEVICE. Any caricature, or other animated or illuminated object used for the purpose of eliciting notice to itself to advertise a business establishment, product, service, or entertainment. Such attention getting devices may include but are not limited to costumed characters, stuffed animals, fixed aerial displays, and strings of lights or other forms of illumination.

ATTIC. That part of a building which is immediately below and wholly or partly within the roof framing.

AUTHORIZED AGENT. A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.

AUXILIARY BUILDING ELEVATION. A section of a building elevation which does not contain the primary entrance to a business establishment, but which may be parallel to a street frontage.

AWNING. An architectural feature that:

- a. Projects from, and is totally supported by, the exterior wall of a building;
- b. Provides protection from the elements to pedestrians below, or to occupants within the building;
- c. Is usually positioned above a window or door;
- d. is temporary in that, whether stationary or retractable, it can be removed from the building without altering the building structure.

AWNING/CANOPY SIGN. A sign which is printed, painted, or affixed to an awning or canopy.

BANNER. A sign which is painted or displayed upon a sheet composed of fabric, pliable plastic, paper or other non-rigid material, fastened to the exterior of a building or exterior structure, other than a flag pole. This definition does not include a "flag".

BILLBOARD. A sign designated for use with changing copy which may include but is not limited to goods produced or services rendered or sold at locations other than the premises on which the sign is located.

BUFFER YARD. A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them.

BUILDING. A structure built, maintained, or intended to be used for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

BUILDING, ACCESSORY. See "Accessory Building or Structure."

BUILDING COVERAGE. That portion of a lot covered by any and all buildings including accessory buildings.

BUILDING FRONT. That exterior wall of a building which faces the front lot line.

BUILDING FRONTAGE. The maximum lineal dimension of an exterior wall, excluding canopies and projections, measured on a straight line parallel to the site's street frontage.

BUILDING HEIGHT. The vertical distance from the finished floor elevation of the lowest floor of the building, any portion of which floor is at or above finish grade, to the highest point of coping of a flat roof, or the top of a mansard roof, or the height of the highest gable of the pitch of a hip roof, including all appurtenances and projections above the roof. For hillside developments, basements and garages at basement level may be excluded from the measurement of building height.

BUILDING LINE. A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this Ordinance. The building line limits the area in which buildings are permitted subject to all applicable provisions of this Ordinance. This is also referred to as a "setback."

BUILDING MOUNTED SIGN. Any sign which is fastened, attached, connected or supported in whole or in part by a building, or architectural feature.

BUILDING MOUNTED WALL SIGN. A sign attached to, painted on, or erected against the wall, parapet, fascia, or mansard roof or a building or structure with the exposed face of the sign in a plane parallel to the vertical face of the building or structure.

BUILDING, PRINCIPAL. A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

BUILDING, TEMPORARY. A structure designed, built, created or occupied for a short and/or intermittent periods of time, including tents, inflatable structures, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BULK. Standards that control the height, density, intensity and location of structures.

CANOPY, NON-STRUCTURAL. See Awning.

CANOPY, STRUCTURAL. An architectural feature that:

1. Projects from, and is the exterior wall of a building or by a combination of a building wall and support posts;
2. Provides protection from the elements to pedestrians below, or to occupants within the building;
3. Is usually positioned above a window or door;
4. Is permanent in that it is not retractable and cannot be removed from the building without altering the building face or structure.

CHANGE OF USE. See Use, Change of.

CHANGEABLE COPY SIGN. A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign.

TOWN. The Town of Edgewood, New Mexico.

CITY/SUBDIVIDER AGREEMENT. An agreement entered into between the City and a subdivider which sets forth the obligations of the City and of the subdivider, including, but not limited to, construction and maintenance of improvements, dedication of land for public use, payment of surety and assessment of development fees.

CLEAR VIEW ZONE. The triangular volume defined by the distances along the edges of the intersecting roadways shown in the Illustrations in Section 3.F. (General Provisions, Sign Placement) and extending from three (3) feet to ten (10) feet above the elevation of the nearest edge of pavement, or lip of gutter if curb is present.

COLOR. Any distinct tint, hue, or shade including white, black, or gray.

COLORS, NIGHT-BRIGHT. For the purposes of the Sign Ordinance, colors identified as "night-bright", shall be based upon the Gerber Scientific Products Film Specguide which provides color swatches of vinyl products available for plexiglas sign faces. Individual colors identified on the aforementioned Specguide as white #230-20; Ivory #230-005; and Yellow #230-015, or comparable colors provided by other sign vinyl suppliers, shall be deemed as "night-bright" colors. Colors not shown on the Specguide or product information of other sign vinyl suppliers which include but are not limited to pale grey, baby blue, or light

pink, etc., shall also be considered to be "night-bright" colors. Such colors shall be used in accordance with this Ordinance.

COMMERCIAL VEHICLE. Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

COMMISSION. The Planning and Zoning Commission of the Town of Edgewood.

COMMON AREA. Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

COMMON BUILDING ENTRANCE. In a multi-tenant and/or multi-storied building, an entrance leading to two or more uses which share a single exterior entrance, or to a common lobby, atrium, patio and/or elevator foyer.

COMPREHENSIVE SIGN PROGRAM. A specific set of design standards established for the purpose of unifying a variety of signs associated with a multi-tenant or multi-use building or complex of buildings. The design standards may include but are not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type and architectural features.

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONFORMING USE. See "USE, AUTHORIZED".

CONGREGATE RESIDENCE. Any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by this Ordinance, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

CONSTRUCTION. Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.

CONSTRUCTION, START OF. The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

CONTIGUOUS. In contact with one (1) or more sides.

COUNCIL. The Town Council of the Town of Edgewood.

COVERED RETAIL MALL BUILDING. A single building enclosing a number of tenants and occupancies such as retail stores, drinking and dining establishments, entertainment and amusement facilities, offices, and other similar uses wherein multiple retail tenants have a main entrance into one or more mall(s).

DAY. A calendar day; "working day" means the days Monday through Friday, not including holidays recognized by the Town Council.

DEDICATION. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

DESIGN. Street alignment, grades, and widths; alignment and widths of easements for water drainage, sanitary sewers, and water lines; and the arrangement and orientation of lots.

DEVELOPER. The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including optionee or contract purchaser.

DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

1. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or an increase in the number of businesses, manufacturing establishments, or offices.
3. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway.
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
5. Demolition of a structure.
6. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like (exclusive of the activities requiring a Conditional Use Permit as per Section 7 of the Zoning Ordinance.)
3. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the decoration of the exterior of the structure is affected.
4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
5. A change in the ownership or form of ownership of any parcel or structure.
6. Work involving the landscaping of a detached dwelling.
7. Involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas.

"DEVELOPMENT" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Town. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

DEVELOPMENT PAD. The portion of a lot subject to site disruption from construction activities including construction of principal and accessory buildings, driveways, walkways, loading areas, storage yards, septic or alternative waste disposal areas, and forest removal activities.

DEVELOPMENT SITE. Any plot or parcel of land, or combination of contiguous lots or parcels of land, whether under common ownership or multiple ownership, which constitutes a site on which development is proposed, under construction, or exists.

DIRECT ILLUMINATION. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

DIRECTIONAL SIGNS. Signs which provide direction and are located entirely on-premise and which do not in any way advertise a business shall not exceed 4 square feet in area or 4 feet in height. These signs may identify rest rooms, public telephones, walkways; or shall provide direction such as parking lot entrance and exit signs and those of a similar nature.

DIRECTORY SIGN. A single sign, or a set of similarly designed individual signs placed or displayed in sequence and which may provide information in a list, roster or directory format.

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT. A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to, financial institutions, restaurants, and dry cleaning stores.

DRIVEWAY. A private vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

EASEMENT. A grant of one or more, but less than all, of the property rights by the property owner to, or for the use by, the public, or another person or entity.

ELECTRONIC MESSAGE SIGN. A type of changeable copy sign that uses changing lights to form a sign message or messages, and wherein the sequence of messages and the rate of change is electronically program and can be modified by electronic processes.

EMBELLISHMENT. Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development.

ENGINEER. Registered professional engineer in the State of New Mexico.

FILTERED LIGHT. Light from a light source that is covered by a glass, acrylic, or other cover that restricts the amount of non-visible radiation (infrared, ultraviolet) emitted by the luminaire (quartz glass does not meet this definition).

FIXED AERIAL DISPLAY. Any aerial advertising medium which is tethered to the ground.

FLAG. A fabric sheet of square, rectangular or triangular shape which is mounted on a pole. This category includes the State, United States, and/or flags of foreign nations. This definition does not include "banner".

FREESTANDING SIGN. A sign which is erected or mounted between two poles placed at the outermost sides of the sign face, detached from any supporting elements of a building.

FREESTANDING SUSPENDED SIGN. A freestanding sign type featuring a double or single sided sign face, hung at a perpendicular angle from a sign pole structure fitted with a projecting sign mount.

FREEWAY. A divided arterial highway for through traffic with full control of access.

FRONTAGE. All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, excluding alleys and interstate freeways, measured along the line of the street or, if dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

FULLY SHIELDED FIXTURE. An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal as determined by photometric test or certified by the manufacturer.

GENERAL PLAN. The Town of Edgewood General Plan text and all accompanying maps, charts, and explanatory material as embodied in the published report titled Comprehensive Plan: 2000, Town of Edgewood adopted by the Town Council on October 2000, pursuant to the “Master Plan” Section 3-19-9 NMSA.

COMPREHENSIVE PLAN: 2000. The General Plan of the Town, adopted on October 2000, by the Town Council.

HISTORIC SIGN. A sign that, by its construction materials, unusual age, prominent location, unique design or craftsmanship from another period, makes a contribution to the cultural, historic, or aesthetic quality of the city's streetscape. Historic signs may be landmark signs, ghost signs, porcelain or neon signs, theater marquees, or signs made of three dimensional stainless steel letters, and/or must be of such an age that they are not longer economically viable to produce or manufacture.

ILLUMINATION INTENSITY. An expression, in wattage, lumens or foot-candles, or visually perceived brightness from an artificial light source.

INDIRECT ILLUMINATION. A source of external illumination located away from the sign, which lights the sign, but which itself is not visible to persons viewing the sign from any street, sidewalk or adjacent property.

INDIVIDUAL LETTER. A cutout or etched letter or logo, which is individually mounted on a landscape screen wall, building wall or freestanding sign.

INSTALLED LIGHTING. Attached, or fixed in place, whether or not connected to a power source.

ITEM OF INFORMATION. One word, logo, symbol, abbreviation, number, illustration or image.

INTERNAL ILLUMINATION. A source of illumination contained entirely within the sign which makes the contents of the sign visible at night by means of light being transmitted through a translucent material, but wherein the source of the light is not visible.

INTERNAL INDIRECT ILLUMINATION. A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the individual letters are mounted. The letters are typically opaque, and thus are silhouetted against the background. The sources of illumination are not visible.

MUNICIPAL CODES: Town of Edgewood Business License Code, Grading & Drainage Ordinance, Landscape Ordinance, Sign Regulations, Subdivision Ordinance and Zoning Ordinance.

LANDSCAPE AREA: For purposes of sign regulation, an area as required by this Code, surrounding the base of a freestanding sign, and containing living plant materials with or without a fixed border.

LANDSCAPE WALL SIGN. A sign consisting of individual letters mounted on a screen or perimeter wall which may be attached or detached from a building, but which is architecturally integrated with the overall development.

LANDSCAPING. Flowers, shrubs, trees, or other decorative material of unartificial origin.

LOGO. A stylized group of letters, words, symbols, or combination thereof used to represent and distinguish a business or product from the competition.

LOT. An area of land undivided by any street or private road and occupied by, or designated to be developed for, permitted building(s) or principal use(s) and accessory building(s) or use(s) customarily incidental to such building, use, or development, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use, or development.

LOT AREA. The area contained within the boundary lines of a lot excluding publicly dedicated or accepted rights-of-way.

LOT, CORNER. A lot abutting on two (2) or more intersecting streets where the interior angle or intersection does not exceed one hundred thirty-five (135) degrees.

LOT COVERAGE. That portion or percentage of a lot permitted to be covered by structures.

LOT DEPTH. The depth (or length) of a lot is:

1. The shortest distance between the front and rear line if the front and rear lines are parallel.
2. The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line if the front and rear lines are not parallel.
3. The shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot if the lot is triangular or is another polygon with an odd number of sides ending in an angle of less than one hundred (100) degrees opposite from the front lot line.

LOT, DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along two (2) or more parallel streets, and which is not a corner lot.

LOT, INTERIOR. A lot having only one (1) side abutting on a street.

LOT, KEY. Any lot having one (1) side lot line contiguous to the rear line of a corner lot

LOT LENGTH. See "Lot Depth".

LOT LINE. The definition of this term changes with the individual sites as follows:

1. Lot Line, Front

- a. **Corner Lot:** Either of the two (2) lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.
- b. **Interior Lot:** The line bounding the street frontage.
- c. **Through Lot:** That line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front lot line is not obviously evident, the Planning & Zoning Office shall determine the front property line. Such a lot over two hundred (200) feet deep shall be considered, for the purpose of this definition, as two (2) lots, each with its own frontage.

2. Lot Line, Rear. That lot line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to the front lot line. In the event that the front lot line is a curved line, then the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front lot line at its midpoint.

3. Lot Line, Side. Those lot lines connecting the front and rear lot lines.

LOT OF RECORD. Any validly recorded platted lot of a subdivision, certified survey map, or parcel of land which at the time of its recording complied with all applicable laws, Ordinances, and regulations.

LOT, REVERSE CORNER. A lot which abuts three streets.

LOT, ZONING. A single tract of land which, at the time of a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Zoning lot lines shall not cross zoning district boundary lines unless otherwise permitted in these regulations. Therefore, a "zoning lot or lots" may or may not coincide with a "lot of record."

LUMEN. The unit used to measure the actual amount of light which is produced by a lamp.

LUMINAIRE. The complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

MAINTENANCE GUARANTEE. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance and regulation, or to maintain same.

MANSARD ROOF. A sloped wall segment or facade which imitates a building roof.

MARQUEE. A permanent roofed structure attached to and supported by the building and projecting over public property.

MIXED USE. A building or structure that contains two (2) or more of the following basic land use types: commercial, office, or residential which are vertically integrated, and that are located over each other in

whole or in part. Mixed uses may be integrated horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, the uses may not be separated by roads or parking areas.

MONUMENT SIGN. A low profile sign with a solid base; any poles or supports must be concealed or architecturally integrated with the building's site.

MULTI-STORIED BUILDING OR USE. A commercial, office or industrial development consisting of two or more stories available for occupancy by one or more separate activities, and in which there are appurtenant-shared facilities (i.e. a parking lot). Distinguishing characteristics of a multi-storied building or use may be but need not include, common ownership of the real property upon or within which the uses are located, a common building entry, and multiple occupant use of a single structure.

MULTI-TENANT BUILDING OR USE. A commercial, office or industrial development in which there exists three (3) or more separate activities with direct exterior access, and in which there are appurtenant shared facilities (i.e. a parking lot). Distinguishing characteristics of a multi-tenant building or use include, common ownership of the real property upon which the building or use is located, common wall construction and multiple occupant use of a single structure.

MURAL. A picture or decoration, usually a very large one, applied directly to a wall or roof.

NET ACREAGE. The remaining ground area after deleting all portions for proposed and existing public rights-of-way.

NONCONFORMING SIGN. Any sign which does not conform to the provisions of this Ordinance at the time of adoption, and other applicable regulations of the Town of Edgewood Municipal codes. Illegal signs shall not be considered nonconforming.

NONCONFORMING STRUCTURE. Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards imposed by the individual sections of this Ordinance.

NONCONFORMING USE. An activity, use of land, buildings, signs, and/or structures, which was legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in the zoning district in which it is located by the regulations of this Ordinance.

NONSTRUCTURAL TRIM. The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure and are nonstructural in nature and do not contribute to the support of the sign.

OBSOLETE SIGN. A sign which no longer directs, advertises or identifies a legal use, product, or activity on the premises where such sign is displayed.

OBSTRUCTION. Any structure or tree which exceeds permissible height limitations or is otherwise hazardous to the landing or taking off of aircraft.

OFF-PREMISE SIGN. Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

OFF-STREET PARKING. Parking provided on property other than a public street, alley, or right-of-way, as provided in Chapter 10-07 of these regulations.

ON-PREMISE SIGN. Any sign that directs attention to an active use of the premises on which it is displayed, and/or any business, commodity, service, entertainment, product, structure, or use conducted therein.

ON-SITE. Located on the lot in questions, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

OPACITY. The degree of opacity of a buffer yard as measured by levels of intensity of buffer yard foliage or other characteristics of the buffer yard including fencing, earthen berms, or walls.

OPAQUE. Opaque means that material must not transmit light from an internal illumination source.

OPEN SPACE. Undeveloped land used primarily for resource protection or recreational purposes.

ORIENT. To position a single faced sign in a parallel position, or a double faced sign in a perpendicular placement toward a street frontage.

OUTDOOR ADVERTISING USE OR STRUCTURE. See: Billboard.

OUTDOOR LIGHT FIXTURES. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and floodlights for:

1. Buildings and structures
2. Recreational areas.
3. Parking lot lighting
4. Landscape and architectural lighting.
5. Billboards and other signs (advertising or other).
6. Street lighting.
7. Product display area lighting.

OUTDOOR LIGHT OUTPUT, TOTAL. The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered.

OUTLOT. A platted lot which is unbuildable.

OVERLAY ZONE. A zone district placed over other zone districts such that special zoning requirements are imposed in addition to those of the underlying zone district. Development within the overlay zone district must conform to the requirements of both zoning districts or the more restrictive of the two.

OWNER. The persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PAD, DEVELOPMENT. See "Development Pad."

PAN CHANNEL. A letter or shape constructed with side walls and a face making the shape a solid integral unit with a pan-shaped cross section.

PARCEL. The area of land within the boundary lines of a subdivision, certified survey map, Santa Fe County Assessor's Map, or property defined by a metes and bounds description.

PERFORMANCE GUARANTEE. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

PLANNING OFFICIAL. The Planning & Zoning Administrator or his/her representative.

PLAT. A map of a subdivision.

PLATE LINE. The point at which any part of the roof structure first touches or bears upon an external wall. (Ord. 1946, 06/17/97)

PORTABLE SIGN. Any sign not permanently attached to the ground, a building, or other immovable object. Such sign shall include any sign attached to, or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is parked adjacent to the public right-of-way and/or in a manner as to attract attention of motoring or pedestrian traffic. (Ord. 1946, 06/17/97)

PRIMARY ENTRANCE FRONTAGE. A section of building elevation which is visible from the street frontage and/or faces into a multi-tenant complex, and which contains the main entrance of the business establishment.

PROJECTING SIGN. A sign attached to a building or other structure, and extending, in whole or in part, more than fourteen (14) inches beyond the building.

PYLON SIGN. A freestanding sign with a visible pole support structure.

QUASI-PUBLIC USE. Use operated by a private non-profit educational, religious, recreational, charitable, or medical institution, said use having the purpose primarily of serving the general public, and including uses such as churches, private schools and universities, private hospitals, youth centers, and similar uses.

RAISED BLOCK. A letter, border, or object in which the face is raised and rests on a vertical plane of a building.

RETAIL MALL. A roofed or covered common pedestrian area within a covered mall building which serves as access for multiple retail tenants and may have three levels that are open to each other.

ROAD, FREEWAY OR INTERSTATE. An arterial road or highway (such as an Interstate Highway) with restricted or limited access.

ROOF LINE. The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette, but not including spires, chimneys, or heating or cooling mechanical devices.

ROOF MOUNTED SIGN. A building mounted sign extending above the plate line of a building or structure, but not above the roof line.

ROOMING HOUSE. See "Boarding/Rooming House or Dormitory."

SERVICE ISLAND SIGN: A sign mounted permanently on, under, or otherwise mounted on a service island canopy and may include the following:

CANOPY FASCIA SIGN: A sign mounted flush against the vertical plane of the canopy fascia.

SIGN BOARD: A sign located on sign boards that are permanently mounted on the canopy support poles at a height above the fuel pumps and below the fuel island canopy.

SPANNER BOARD: A sign mounted flush against the vertical plane of a spanner board. A spanner board is a structural member extending between two vertical support poles of the service island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the service island canopy.

SETBACK. See "Building Line."

SHOPPING CENTER. A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.

SHOPPING CENTER, REGIONAL. A shopping center having in excess of three hundred thousand (300,000) square feet of gross floor area.

SIGN: Any device conveying a message or messages visually that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any lawful display of merchandise.

The term "sign" shall also mean and include any display of one or more of the following:

1. Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, logo; or
2. Multiple colored bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification; or
3. Anything specified above, in part or in combination, by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

SITE PLAN. A graphic depiction of features on a site such as existing and proposed structure, paved areas, ingress/egress points, and landscaped areas along with certain information as required by Chapter 10-10.

SLOPE. The incline of land which can be measured by taking the vertical distance, or "rise", over the horizontal distance, or "run". The resulting fraction, or percentage, is the "slope" of the land.

SMALL UNIT SINGLE-FAMILY. This is a small attached or detached dwelling unit limited to a single bedroom, a maximum total floor area, and occupation by no more than two (2) people.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than four feet six inches (4'6") above the natural grade, shall not be considered a story. A mezzanine floor shall not be considered a story if it is less than thirty-three and one-third (33 1/3) percent of the area of the floor next below it in a non-residential structure. A mezzanine shall be considered a story when located in a residential structure.

STORY, HALF. A story under a gable, hip, or gambrel roof, where no more than twenty-five (25) percent of the floor area is located under dormers or other outward projections from the basic plane of the roof.

STREET. Any existing or proposed public or private street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct, or easement for public vehicular access, or a street shown in a plat heretofore approved pursuant to law, or a street in a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges, and viaducts.

STREETSCAPE. Those features of either the man-made or natural environment which abut, face, or are a part of a public street right-of-way including landscaping (materials and plants), street furniture, building facades, and utilities and facilities which are visible to the public such as fire hydrants, storm sewer grates, sidewalk and street paving, etc.

STRUCTURE, PERMANENT. Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence, satellite dish, or free-standing wall.

SUBSTANTIAL IMPROVEMENT. Any improvement, reconstruction, or repair of a structure, the cost of which equals or exceeds fifty (50) percent of the actual value of the structure as determined from the records of the Santa Fe County Assessor or by a current appraisal by a recognized appraiser, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the

damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State of New Mexico or Town of Edgewood health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUSPENDED SIGN: A sign attached to the underside of a lintel, arch or other overhead spanning member of a porch or walkway, and which is hung either perpendicular or parallel to a vertical wall surface.

TEMPORARY SIGN: Any sign or advertising display for use for ninety days or less.

TIME AND TEMPERATURE SIGN: A sign whose only function is the display of information about the current time and/or temperature.

TRACT. Undeveloped or developed land within a subdivision boundary reserved or set aside for division or special use; or a land area proposed for subdivision.

USE. The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ABANDONMENT OF. The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

USE, ACCESSORY. See "ACCESSORY USE".

USE, AUTHORIZED. Any use that is or may be lawfully established in a particular districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE, CHANGE OF. The cessation of activities or conditions associated with a principal use of a property and the commencement of activities or conditions associated with a different principal use. A use shall be deemed to be changed when a change in the distinguishing traits or primary features of the use of a building or land, as evidenced by a change in parking requirements, change in occupancy designation and/or occupancy load, change in outdoor storage, or other features occur after the effective date of this policy (ordinance).

USE, CONDITIONAL. A use that has operational, physical, and other characteristics that may be different from those of the predominant authorized uses in a district, but which is a use that complements or is otherwise compatible with the intended overall development within a district, provided that specified standards are met. A use is classified "conditional" due to its unique, known, and/or potential impacts to adjacent properties or persons, surrounding area, and/or community at large.

USE, ESTABLISHMENT OF. The commencement of activities or conditions which constitute the specific primary purpose for which land or any building thereon is designed, arranged, or intended or for which it is occupied or maintained. A use shall be deemed established when a required Building Permit from the City of Flagstaff has been obtained, construction has commenced and is proceeding in a timely manner, and/or occupancy has taken place as part of the principal use of the property.

USE, INSTITUTIONAL. A non-residential use which may include, but are not limited to churches, schools, other public or quasi-public buildings, museums, and observatories.

USE, NONCONFORMING. See "NONCONFORMING USE".

USE, PRINCIPAL. The specific primary purpose for which land is used.

USE, TEMPORARY. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

VARIANCE. A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

WATT. The unit used to measure the electrical power consumption of a lamp.

YARD. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance.

YARD, DEPTH. The shortest distance between a lot line and a yard line.

YARD, EXTERIOR. A yard adjacent to a street. On corner lots, the exterior side yard is adjacent to a street other than the one which determines the front yard.

YARD, FRONT. A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

FRONT, REAR, AND SIDE YARDS

YARD, PERIMETER. The yard area of a lot, tract, or parcel which surrounds the development pad. Perimeter yards include side, rear, and front yards.

YARD, REAR. A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

YARD, REQUIRED. The minimum dimension of a front, side, or rear yard as established by the use regulations for each zoning district.

YARD, SIDE. A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

ZONING MAP. The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Ordinance. These maps are entitled, "Official Zoning Maps, Town of Edgewood, New Mexico."

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SECTION 10. PENALTIES AND REMEDIES 10-30

SECTION 11. DEFINITIONS 11-30

PASSED AND APPROVED THIS 21ST DAY OF APRIL, 2004


Mayor

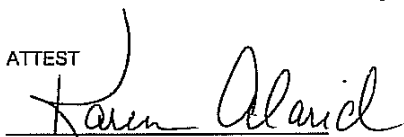
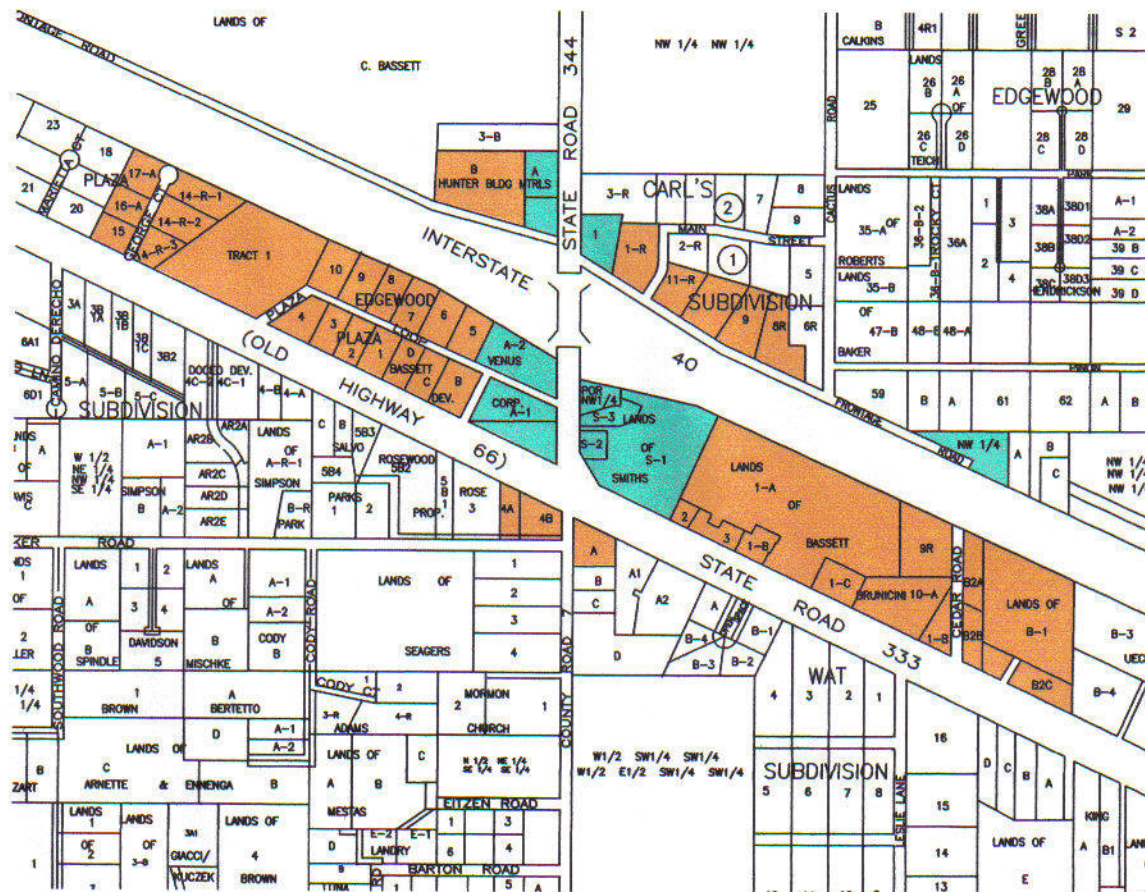
ATTEST

Clerk/Treasurer

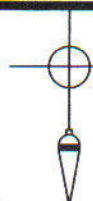


EXHIBIT
SHOWING SIGN ZONING LAYOUT
EDGEWOOD BUSINESS DISTRICT
TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO
NOVEMBER, 2004



LEGEND

- OVERLAY ZONE 1
- OVERLAY ZONE 2



Oden & Associates

surveyors engineers planners

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200 CENTRAL, S.E.
MORIARTY, NM 87035
(505)832-1425
832-6996 (FAX)

Designed TRO	Date	Drawn MAV	Date	Checked TRO	Date	Date 11/24/04	Sheet 1 of 1
Job # S2004-102		File EDGEWOOD ZONING		COMP. FILE N/A		DWG NAME S04-102.DWG	